

**A Threshold-Based Analysis of Bipartisanship  
in Crime and Law Legislation  
in the United States Senate (1989-2018)**

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## **Abstract**

As affective polarization rises in the United States, much scholarly work is devoted to gridlock and hyper-partisanship. In this thesis, I examine whether the issue of crime and law legislation has been impacted by rising polarization, or if it has been able to maintain a degree of bipartisanship. With the use of data on 432 crime and law bills considered from 1989 to 2018, I analyze the concept of issue ownership over crime and law legislation, create 18 different subcategories within the crime and law category, and conduct four network analyses which examine the role of thresholds in facilitating bipartisan collaboration. In doing so, I create several new variables, including Cosponsorship Partisan Difference (CPD) and Sponsorship Partisan Difference (SPD) in order to conceptualize degrees of hyper-partisanship and bipartisanship. I make several key findings, including that CPD is a critical factor which sets apart the most successful sessions and bills, and that individual senators skilled in bipartisan collaboration serve as crucial actors in the most successful session networks.

## **Acknowledgements**

First and foremost, thank you to my supervisor Mary Rose for your thoughtful critiques and patient mentorship. Your feedback was clear-eyed and challenging, and this thesis is much the better for it. It was a delight to get to work with you. Thank you also to my second Daron Shaw for all your time in reviewing and thinking about the topics in this thesis. It was your class that first gave me the idea for this thesis, so it wouldn't be an understatement to say that this thesis wouldn't exist without you. Thank you also to Allison Craig for your invaluable help with the networks chapter of this thesis. You had no reason to answer a cold-email from a student you've never met, so thank you very much for doing so. Thank you to William Kelly for helping in the development of the subcategories and encouraging me that I was onto something interesting. Many, many thank you's to Linda Mayhew for all your advice and support throughout my college career. You've coached me through nearly every important decision I've faced throughout college, and I'm very grateful for it. Thank you, Linda, as well as for all you do for the Humanities program at large. In Humanities I have been inspired to follow my curiosity and think outside the box, and I can't imagine college without it. Thank you to my family and friends for all their love and support and constant encouragement.

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## **Introduction**

When the First Step Act passed in 2018, elected officials and media pundits alike praised the criminal justice reform bill as a rare moment of bipartisanship in a hyper-partisan era. A well documented body of literature indicates that, in some ways, the current era is in fact increasingly polarized. Specifically, affective polarization between Democrats and Republicans has sharply increased in recent years, due to “increasingly negative feelings toward the opposing party and its leaders” (Webster, 2017). However, does the issue of crime and law legislation see the same degrees of hyper-partisanship? On a broader scale, does affective polarization among the public lead to substantive polarization among elites on the issue of crime and law?

A few key questions arise. First, I apply Petrocik’s (1996) idea of issue ownership in order to determine whether either party has more of an electoral mandate to address the issue of crime and law, and whether this mandate translates into increased party interest or success in the area. Second, I consider the variation within the larger category through analysis of subcategories within crime and law bills. I apply Haidt and Joseph’s (2007) idea of moral foundations theory to hypothesize which party will specialize in which subcategory and why. Third, I examine how individual senators or relationships between senators may contribute to bipartisan collaboration and bill success through 4 network analyses of the top performing sessions. I apply Granovetter’s (1973) social contagion theory to conceptualize senators’ thresholds for participation and the flow of influence throughout the Senate network. I seek to fill gaps in the literature by considering these theories—traditionally isolated in their respective fields of political science, political psychology, and sociology—in conjunction with one another.

I chose to focus on the Senate for a number of reasons. First, the smaller size of the chamber lends to higher likelihood of each senator collaborating with another. The smaller

number of members also enabled me to focus on not only larger patterns across the parties, but also on patterns at the individual senator level. Second, longer terms in the Senate may facilitate deeper relationships between senators and may buffer against rising polarization due to lower rates of member replacement (Theriault, 2006; Bonica, 2014).

In this thesis, I build on a growing body of literature which seeks to consider bipartisan collaboration beyond the traditional narrow focus on final vote tally. This is because final voting patterns tend to be highly constrained by party leadership, who exert particular influence in order to whip the vote along party lines (Rippere, 2016). Instead, I focus on bill sponsorship and cosponsorship. A bill can only have one sponsor; this is the representative who introduces the bill in the Senate chamber. There are no limits on how many cosponsors a bill can have, though a bill is not required to obtain cosponsors. Signing onto a bill as a cosponsor is thought to be an indication of support for that bill (Oleszek, 2021). Importantly, the decision to cosponsor on a bill is less controlled by party leadership than the final vote tally; rather, cosponsorship is more of an individual choice. I focus on the role of bill cosponsorship as a crucial way to build bipartisan relationships and cross-coalitional support. I also use patterns in bill sponsorship as a reflection of individual senator's policy priorities.

I chose to focus on crime and law legislation because of its applicability to both the question of issue ownership and bipartisan collaboration. Historically, prominent Republicans from Richard Nixon to George Wallace have weaponized “tough on crime” and “law and order” stances in order to cast a contrast between the Republican party and the Democratic party. However, beginning with the 1992 presidential campaign of Bill Clinton, some Democrats began to seize upon tough on crime stances themselves in order to blunt perceived weaknesses (Holian, 2004). Did this shift in stance result in a lasting change in issue ownership, or could it facilitate

more bipartisanship because of seemingly converging opinions on the issue? This thesis looks for answers in sponsorship and cosponsorship data.

A second question is why to focus on this issue now. For one, the summer of 2020 saw a swell of support for criminal justice reforms; an AP-NORC poll in June found that nearly 70% of respondents indicated that the criminal justice system needed at least major reforms; just 5% said no changes were needed (Long and Fingerhut, 2020). Efforts to “defund,” reallocate, or reduce police funding have also risen to prominence, with some major newspapers even pointing to the slogan as the reason for a disappointing 2020 election year for Congressional Democrats (Otterbein, 2021; Memoli, 2020; Ferré-Sadurní and McKinley, 2020). Secondly, President Biden has signaled an interest in working with Congress to pass bipartisan criminal justice reform legislation and has himself previously worked actively in this issue area (Johnson, 2021). Therefore, this issue area remains a relevant and significant one.

## **II. Methodology**

In order to answer these questions, I data scraped information on the 432 crime and law bills originating in the Senate between the 101st (1989-1990) and the 115th (2015-2016) sessions from the Library of Congress database.<sup>1</sup> I used the Library of Congress filter for “Subject—Policy Area” to pull bills from the “Crime and Law Enforcement” category. I collected information on bills, not joint resolutions and specified that the “Status of Legislation” was at least “Committee Consideration.” For each bill, I collected data on the bill sponsor, cosponsor(s), date introduced, committee(s), latest status in Congress, date last considered, latest action, and bill summary.

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<sup>1</sup> To explore the database, see: <https://www.congress.gov/>

In order to conceptualize degrees of bipartisan collaboration amongst cosponsors, I created the variable Cosponsor Partisan Difference (CPD). CPD considers, on the bill level, the proportion of cosponsors from both party wherein:

$$\text{Cosponsor Partisan Difference (CPD)} = \text{Total Proportion Dem. Cosponsors} - \text{Total Proportion Repub. Cosponsors}$$

$$\begin{aligned} \text{Absolute Bipartisanship} &= 0 \\ \text{Absolute Democratic Partisanship} &= +1 \\ \text{Absolute Republican Partisanship} &= -1 \end{aligned}$$



Figure 0.1

The result is a scale of +1 to -1. A score of +1 indicates highest Democratic partisanship; this would mean 100% of cosponsors are Democrats. A score of -1 indicates the highest Republican partisanship, which would indicate 100% of cosponsors are Republicans. A score of 0 represents absolute bipartisanship, wherein 50% of cosponsors are Democrats, and 50% of cosponsors are Republicans. Average Cosponsor Partisan Difference (ACPD) takes the average of CPD's across multiple bills, often for all bills within one session. Total Cosponsor Partisan Difference (TCPD) uses the total number of cosponsors from each party in order to calculate proportions of each party represented among cosponsors, often within one session. This conceptualization allows for a quantification and standardization of a scale of hyperpartisanship to bipartisanship.

In order to conceptualize patterns in bill sponsorship, I created the variable Sponsorship Partisan Difference (SPD). SPD is a session-level variable which takes the proportion of bills sponsored by each party, wherein:



$$\text{Sponsorship Partisan Difference (SPD)} = \text{Proportion Dem. Sponsored Bills} - \text{Proportion Repub. Sponsored Bills}$$

$$\begin{aligned} \text{Absolute Bipartisanship} &= 0 \\ \text{Absolute Democratic Partisanship} &= +1 \\ \text{Absolute Republican Partisanship} &= -1 \end{aligned}$$

SPD also uses a scale of +1 to -1. If Democrats sponsor 100% of the bills, the SPD score would be +1. If Republicans sponsor 100% of the bills, the SPD score would be -1. If there is an even split between the parties in bill sponsorship, the SPD score would be 0. Average Sponsorship Partisan Difference (ASPD) takes the average SPD score across multiple sessions. This variable helps gauge party interest in an issue area: if Republicans sponsor 90% of all crime and law bills in the subcategory of law enforcement/policing for one session, this subcategory is likely more of a priority for the Republican party that session than for the Democratic party. This variable, therefore, may serve as a useful indicator of party issue ownership.

# **Chapter I: Party Issue Ownership in Crime and Law Legislation**

## **I. Introduction**

On a broad level, a fundamental question regarding crime and law legislation is whether, first, the issue area remains of interest to senators despite falling crime levels; and, second, whether the issue area has been impacted by rising levels of affective polarization. This chapter will first address those two questions before examining the idea of party issue ownership within crime and law legislation.

## **II. Patterns in Crime and Law Legislation**

The area of crime and law has inspired an abundance of research, including a well-documented finding that, despite steadily decreasing crime levels in the United States, the U.S. public tends to overestimate crime rates (Roberts, 1992). Likewise, the amount of crime and law bills considered since the 113th session have been steadily rising. The 115th session broke the record for most crime and law bills introduced (56 bills), despite historically low levels of crime (F.B.I., 2018) [Figure 1.1]. Therefore, the issue of crime and law appears to remain a salient one not only to the general public, but also to senators.

Despite apparent polarization, there are also signs that senators' interest in collaborating on crime and law bills is rising as well. Of the 432 crime and law bills considered in this time period, 93.8% had at least one cosponsor. The number of total cosponsors on these bills has more than tripled from 284 in the 101st session to 865 in the 115th session [Figure 1.2]. The average number of cosponsors per bill has almost doubled: there were on average 10 cosponsors on crime and law bills in the 101st session, as compared to 19 cosponsors on these bills in the 114th, and 16 in the 115th.

### Crime & Law Bills Per Session

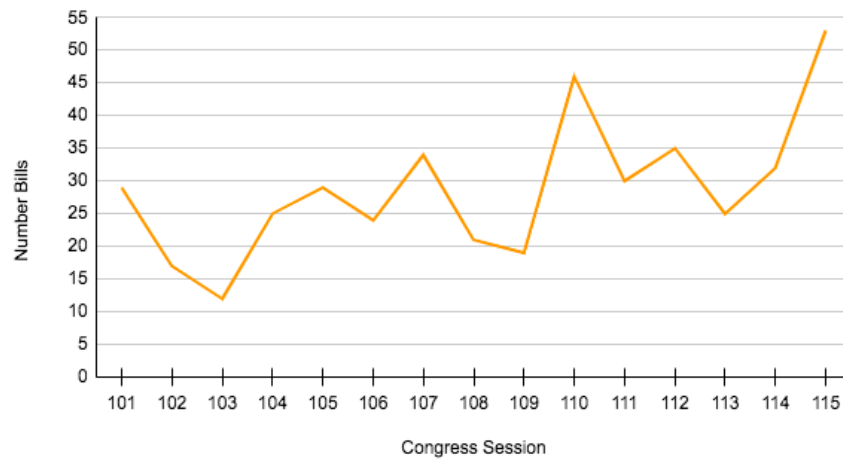


Figure 1.1

### Total Cosponsors on Crime and Law Bills

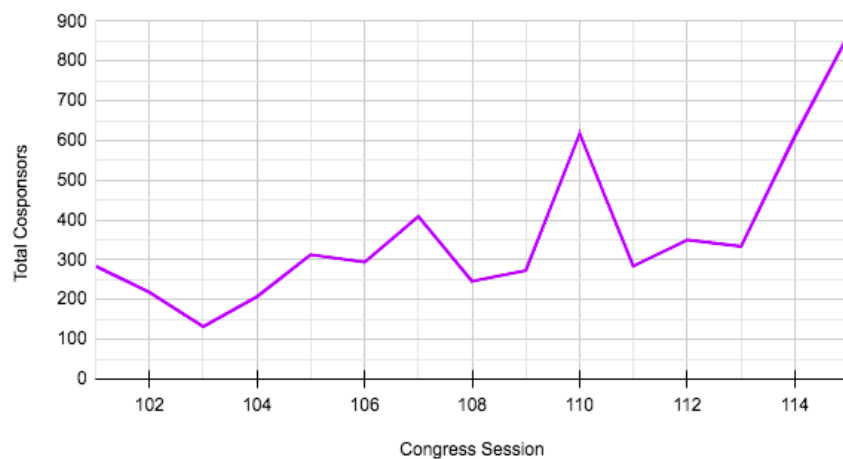


Figure 1.2

Furthermore, the rise in cosponsors was not limited to increased collaboration within the separate parties. Rather, 75.9% of these bills had at least one member of the opposite party included in its cosponsors, and 13.7% of these bills had an equal proportion of members of both parties represented in its cosponsors. In recent years, this collaboration did not splinter alongside rising polarization, but instead remained higher than average: bills with at least one member of the opposite party amongst its cosponsors was 84.3% in the 114th session, and 81.1% in the

115th session. The last two sessions also had an above average amount of bills with an equal proportion of cosponsors from both parties, accounting for 18.8% in the 114th and 20.8% in the 115th. These factors seem to indicate that the issue area of crime and law has maintained a certain degree of bipartisan collaboration, despite rising polarization.

## **II. Issue Ownership of Crime & Law Legislation**

Beneath the particulars of which party supports which type of bill is a more fundamental issue: which party owns the issue of crime and law legislation? Issue ownership, as defined by Petrocik (1996, p.826), holds that voters perceive that a given party is “better able” to “resolve a certain problem facing the country” as opposed to the alternate party. Voters construct this opinion based on a party’s perceived “reputation for policy and program interest” (Petrocik, 1996, p. 826). In practice, this means that voters in the United States frequently sort issues as “belonging” to either Democrats or Republicans. Petrocik’s initial survey found that, on the issue of crime, 46% of respondents indicated that they trusted Republicans more, and 28% indicated they trusted Democrats more (1996).

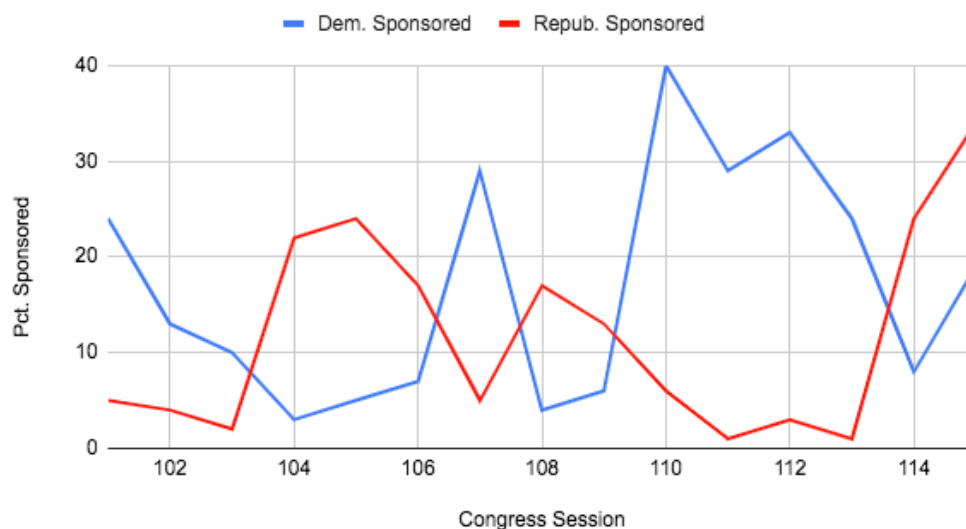
Issue ownership may also be influenced by the idea of partisan identification as a “perceptual screen through which the individual tends to see what is favorable” to his or her partisan orientation (Campbell et. al, 1960, p. 133). The perceptual screen may be especially relevant in relation to partisan control of the Senate: when one party holds a majority in the Senate, their perceptual screens may influence them to think that they hold issue ownership over *all* issues due to their control of the chamber. Each party’s commitment to enacting legislation related to these issue areas relates to the idea of reference groups, wherein “reference groups and their leaders provide norms and strategies for setting personal values and goals” (Miller and

Levitin 1977, p. 31). On a practical level, this means that senators are attuned to and incentivized to follow the preferences of their party and party leaders.

While it is beyond the purview of this paper to consider voter behavior, the construction of a reputation for policy and program interest is of particular relevance for this study. Does conservatives' desire to reduce fear and punish deviant behavior lead to a greater crime policy interest for Republicans? Or does liberals' desire to reduce harm and extend social justice lend to Democratic issue ownership in this area?

One way to measure policy interest is through patterns in bill sponsorship. From the 101st session to the 115th, senators have introduced 432 crime and law bills that have received at least committee consideration. Overall Democrats have sponsored 58.8% (254) of all crime and law bills, and Republicans have sponsored 33.5% (178). Figure 1.3 demonstrates the great degree of variation in party sponsorship of crime and law legislation by session. Notably, many shifts appeared to occur between which party sponsored the most legislation in this area, such as large peaks occurring after the 113th for Republicans, and the 107th session for Democrats.

### Crime/Law Bill Sponsorship, by Party



*Figure 1.3*

Are these shifts purely a function of changes in party control over the Senate? Given the expansive powers held by the party in control of the Senate—like committee leadership, and partisan decision making over which legislation to bring to the floor for a hearing—one might expect that bill sponsorship would follow patterns of party control. Specifically, when Republicans control the Senate, Republicans would lead in bill sponsorship; and when Democrats control the Senate, Democrats would lead in bill sponsorship. However, if there is significant issue ownership, bill sponsorship may be resistant to patterns in party control.

Figure 1.4 analyzes this question by comparing Sponsorship Partisan Difference (SPD) to party control of the Senate. Democratic hyper-partisanship in bill sponsorship peaked in the 111th session (+.93); Republican hyper-partisanship in sponsorship peaked in the 104th session (-.76). At -.28, sponsorship patterns in the 115th session were the closest to absolute bipartisanship in SPD. Overall, the data seems to support the idea that the party in control of the Senate is the party most likely to sponsor legislation in this area. One example of this idea is the 111th session, when Democratic partisan composition of the Senate jumped up to +.18, and Democratic SPD hit its high water mark as well (+.93). Across all sessions, SPD averaged at +.16, skewing slightly towards Democrats. Likewise, in sessions when partisan differences in Senate composition narrow, Democratic SPD rises as well. Such is the case for the 107th session when the Senate composition hit 0, a perfect bipartisan split, and Democratic SPD spiked to +.71.

### Sponsorship and Senate Composition Partisan Difference

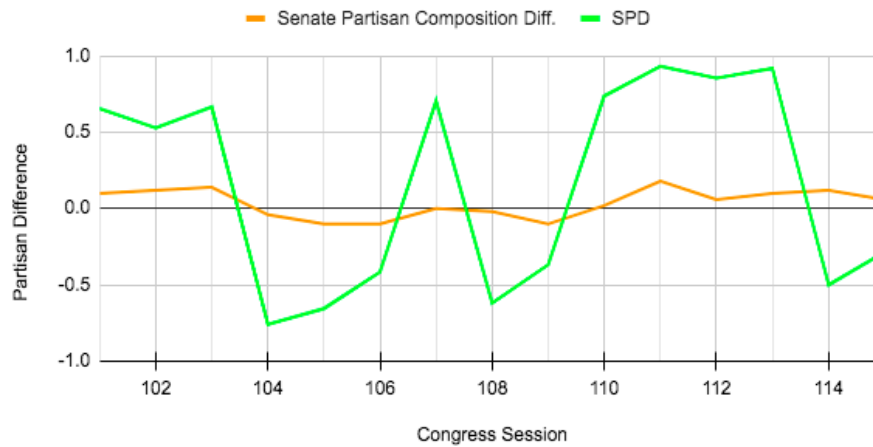


Figure 1.4

However, sponsorship data is only one of the measures of policy participation in the Senate; patterns in cosponsorship offer a more complete view into each party's participation in crime and law bills. Overall, Democrats have accounted for 60.9% of all cosponsors on crime and law bills, and Republicans account for 39.5%. Across all sessions, on every crime and law bill, there were an average of 7.7 Democratic cosponsors, and 5 Republican cosponsors.

Another way to conceptualize this is through analyzing Cosponsor Partisan Difference (CPD) along with party control of the Senate [Figure 1.5]. Notably, CPD appeared to be more resistant to changes in party control; note the less drastic peaks and valleys in Figure 1.5. In other words, partisan margins were much slimmer for cosponsors than for sponsors. Across all sessions, CPD averaged +.21, leaning slightly more Democratic. CPD came the closest to absolute bipartisanship in the 114th session (-.01), the 106th session (-.02), and the 108th session (-.07). Notably, the 106th and 108th sessions rank as the highest success rates of all sessions, and the 114th session ranks as the fourth most successful session. CPD peaked for Democrats in the 113th session (+.57), and for the Republicans in the 105th session (-.44).

## Average Cosponsorship Partisan Difference & Senate Partisan Composition Difference

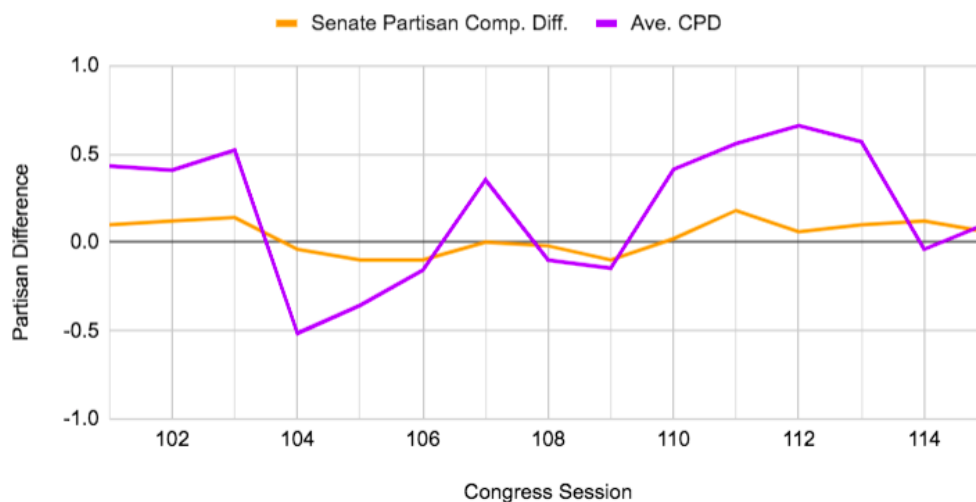


Figure 1.5

A deeper dive into partisan participation in crime and law legislation compares partisan shares of the senate to partisan shares in bill sponsorship and cosponsorship [Figure 1.6, Figure 1.7]. A few things stand out in these graphs. First of all, Democrats account for a larger share of sponsors than their Senate share 53.3% of the time, and Republicans 46.7% of the time. Secondly, Democrats account for a larger proportion of cosponsors than their Senate share 73.3% of the time; in contrast, Republicans account for a larger proportion of cosponsors than their Senate share only 26.7% of the time. Therefore, Democrats consistently over perform their Senate margins in crime and law participation, while Republicans tend to underperform their Senate margins, especially in terms of co-sponsoring bills. This is to say that, even when Democrats lose power in the Senate chamber, Democrats continue to participate in crime and law legislation, especially through cosponsorship.



### Democrat Share of Senate & Crime/Law Participation

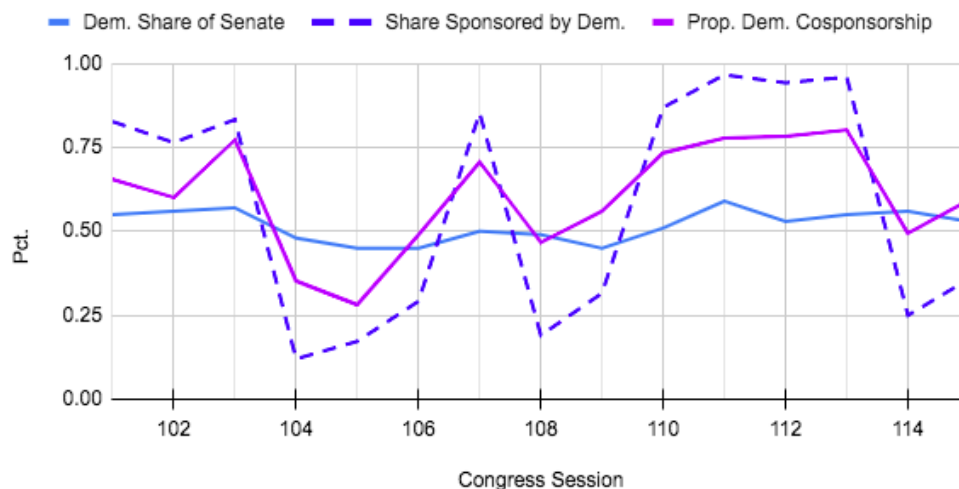


Figure 1.6

### Republican Share of Senate & Crime/Law Participation

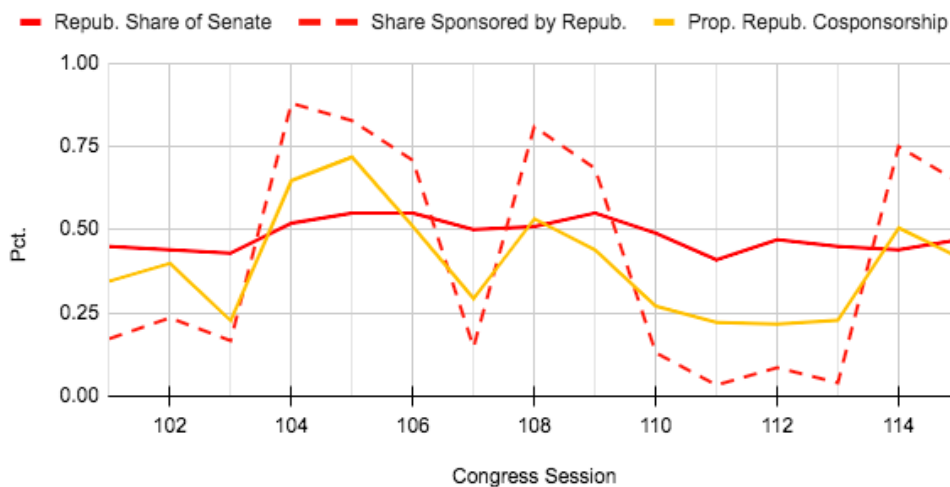


Figure 1.7

This seems to suggest a Democratic enthusiasm for participating in crime and law bills, but does Democratic interest in bills translate into success in passing these bills into law? Party success in crime and law bill passage diverges from measures of bill sponsorship: 55 crime and law bills sponsored by Republicans have been passed into law, as compared to 50 crime and law bills sponsored by Democrats. Therefore, while Democrats have sponsored more crime and law

bills overall, Republicans have sponsored more *successful* crime and law bills. The share of successful Republican crime and law bills accounts for 30.9% of these bills sponsored by Republicans; success rate for crime and law bills sponsored by Democrats is 19.7%.

### **III. Crime & Law Bill Success by Session & Party**

There are two broad schools of thought regarding how the parties successfully pass legislation. In one approach, which can be thought of as a “scorched earth” approach, parties capitalize on partisan control of the Senate: when Democrats are in control of the Senate, they are capable of pushing legislation through the chamber with only the support of their own party, and vice versa. This approach might predict that the most successful sessions for crime and law legislation would be those in which Democrats hold larger partisan margins, because Democrats are more prolific in crime and law bill sponsorship. On the other hand, given that Republicans have sponsored a greater proportion of all *successful* crime and law bills, sessions with the highest Republican margins might therefore be expected to be the most successful. Another approach, which can be thought of as the “middle ground approach,” holds that parties are better served collaborating with each other, making concessions, and passing bills which hold bipartisan support. This approach would predict that the most successful sessions would be those sessions with the tightest partisan margins, as narrow majorities would encourage collaboration with the minority party.

Before examining each strategy, it is worth noting that there are a few ways to calculate “legislative success.” One way to conceptualize success rates for bills makes use of the Library of Congress' tracker feature, which categorizes bills' status as in one of six categories: introduced, passed senate, passed house, resolving differences, to president, and became law.

Any bill which reaches that final phase on the tracker is counted as a success. Another way to conceptualize success rates for bills is on a binary scale of passed into law or failed. The binary scale uses not only the tracker feature, but also the Library of Congress' ``notes" description; because of this, the binary scale counts as a success those bills which were reconciled with a House bill to become law. For example, the tracker for the 107th session's Federal Bureau of Investigation Reform Act of 2002 shows that the bill has only been introduced, yet the notes indicate that the bill was reconciled with H.R. 2215 and subsequently passed into law.

Using the first method, sessions with the highest success rate include the 108th (47.6%), the 111th (36.7%), and the 114th (34.4%). Using the binary scale, the most successful sessions shifts slightly: sessions with the highest success rates for crime and law bills include the 108th (47.6%), 106th (45.8%), and 111th (43.3%). Due to the high degree of overlap between both calculations, all 4 sessions—106, 108, 111, and 114—will be included as the top most successful sessions, in order to capture the most complete picture of those bills which eventually became law. These 4 sessions all had strong comparative success in crime and law legislation versus overall legislation: comparative success rate for crime and law bills was more than double the average for all sessions [Table 1.1].

*Table 1.1 Most Successful Sessions: Crime and Law Success Rate vs. Overall Success Rate*

Congress Session	All Bills Success Rate	Crime/Law Success Rate	Comparative Success Rate
108	0.224	0.476	0.252
106	0.261	0.458	0.198
111	0.198	0.433	0.235
114	0.136	0.375	0.239
All	0.176	0.256	0.081

Success rate by session followed an almost saw tooth pattern. This may indicate a tendency for the Senate to focus on one issue for one session, uses up political capital, and then

moves on to another issue in the next session. Examples of this include the prolific 111th session—which saw 43.3% of all crime and law bills passed—followed by the 112th session—which saw the lowest percentage of crime and law bills passed at 5.7% passed. Between the two sessions, there was a 37.5% decline in success rate. Likewise, success rate for crime and law bills dropped 37% between the 106th and 107th sessions, then rebounded 38.8% for the 108th session.

### Success Rate, All Bills & Crime and Law Bills

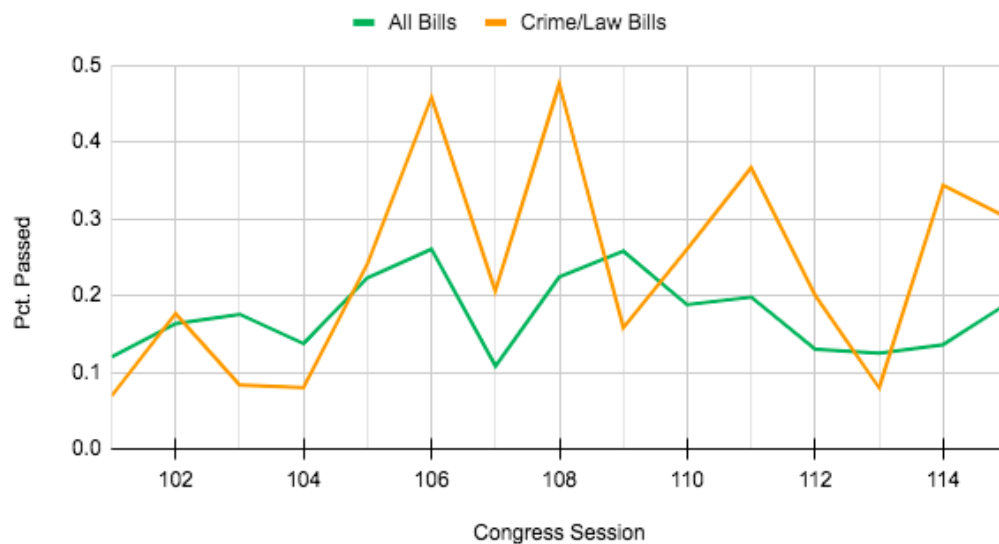


Figure 1.9

Regarding partisan control and crime and law bill success, there seems to be no pattern between party control and bill success [Table 1.2]. Of the most successful sessions, the 111th and 114th Senate compositions had large Democratic partisan margins. The 106th Senate composition had a large Republican partisan margin, and the 108th Senate saw a slim Republican advantage. Therefore, there appears to be no apparent advantage to slim partisan majorities, or large partisan majorities for either party.

Table 1.2 *Most Successful Sessions: Senate Partisan Makeup*

Congress Session	Partisan Senate Composition
108	-.02
106	-.10
111	+.18
114	+.12
All	+.04

One indicator did set the most successful sessions apart from the average session: CPD. The most successful sessions had less than *half* the average CPD of overall sessions [Table 1.3]. Successful sessions, therefore, more often drew in members from both parties to cosponsor roles, despite wide variation in partisan Senate composition. This finding again underscores the resistance of crime and law legislation to polarization: successful sessions as recent as the 114th were able to achieve one of the most bipartisan scores on CPD (-.04).

Table 1.3 *Most Successful Sessions vs. Average All Sessions*

Session Type	Ave. Cosponsors	Ave. D.Cosponsors	Ave. R.Cosponsors	Ave. C.P.D.
Most Successful	13.4	7.31	6.09	0.09
Overall	12.6	7.67	4.97	0.19

For Democrats, what distinguishes a successful crime bill from an unsuccessful bill? The average number of cosponsors per bill remains roughly the same across passed and failed Democratic-sponsored crime bills, as does the average number of Democratic cosponsors. There were on average 2 additional Republican cosponsors on passed Democratic-sponsored crime bills as compared to failed Democratic-sponsored crime bills. Most notably, the average CPD on passed Democratic-sponsored bills was 21 points more bipartisan than failed

Democratic-sponsored bills. Therefore, across all categories, Democratic-sponsored bills benefitted from eliciting a more bipartisan set of collaborating Senators [Table 1.4].

*Table 1.4 Democratic-sponsored: Passed vs. Failed Bills*

Bill Type	Ave. Cosponsors	Ave. D.Cosponsors	Ave. R.Cosponsors	Ave. C.P.D.
D. Passed	8.8	7.71	4.7	0.36
D. Failed	9.16	7.66	2.64	0.57
All D.	12.11	9.1	3.04	0.53
All Bills	12.6	7.67	4.97	0.19

A similar pattern emerges for successful Republican sponsored bills. The average number of total cosponsors and average Democratic cosponsors remained roughly the same across passed and failed Republican-sponsored bills. For successful Republican-sponsored bills, there were on average 2 fewer Republican cosponsors as compared to unsuccessful bills. Likewise to successful Democratic-sponsored bills, the average CPD on successful Republican-sponsored bills was 19 points more bipartisan than failed Republican-sponsored bills [Table 1.5].

*Table 1.5 Republican-Sponsored: Passed vs. Failed Bills*

Bill Type	Ave. Cosponsors	Ave. D.Cosponsors	Ave. R.Cosponsors	Ave. C.P.D.
R. Passed	13.33	6.64	6.87	-0.15
R. Failed	13.26	5.17	8.08	-0.34
All R.	13.28	5.62	7.71	-0.28
All Bills	12.6	7.67	4.97	0.19

#### **IV. Examining Bill Cycle**

The previous sections consider bill outcomes in a binary sense—bills are either passed, or failed—but such a consideration erases the variation in phases a bill can reach. The Library of

Congress provides a tracker feature, which classifies bills into 6 primary categories: introduced, passed senate, passed house, resolving differences, to president, and became law. The tracker denotes the latest action on a bill. For example, a “2” on the tracker passed the Senate, but was unable to pass the House. See Figure 1.10 for an example of the Library of Congress tracker.



*Figure 1.10*

This tool allows a snapshot of the lifecycle of crime and law bills through the Senate: for 62.4% of all crime and law bills, the latest action received was introduction; for 19.1%, latest action was passing the Senate; only .69% of all these bills' latest action was passing the House; .46% went no further than resolving differences; 0% made it no further than the president's desk; and 17.3% became law. These percentages reveal a few things of note. Firstly, a very small percentage of bills died after passing both the Senate and the House and after differences were resolved between the Senate and House versions of a bill. Secondly, only one bill was vetoed by the president, and the veto was eventually overturned by Congress in order to pass the bill into law. This suggests a sort of “threshold” in which if a bill reaches a certain step in the process, it is likely to be passed into law.

This feature allows a more granular look at the impact of CPD on Democratic- and Republican-sponsored crime bills subdivides bills into quartiles by levels of CPD. I compared the life cycle of the bills with the most partisan makeup of Democratic cosponsors, to the bills with the most partisan makeup of Republican cosponsors [Table 1.6]. There are three main things to note from this figure. First, for both parties, the threshold concept appears again. Given the extremely low percentage of bills which go no further than resolving differences or to the

president's desk, it seems that the threshold for bills becoming law is passing the House. If bills pass the House, they are likely to become law, and not stop at the resolving differences, or awaiting signature from the president phase. Second, the most partisan Democratic bills were more likely than the most partisan Republican bills to go no further than the introduction phase. Third, highly partisan Democratic bills were only about a third as likely to become law as compared to highly partisan Republican bills. Taken together, these factors seem to suggest that Democrats were more likely to be punished for pushing highly partisan crime and law bills. Therefore, there seemed to be a *perception* of issue ownership attributed to Republicans in the Senate.

Table 1.6      Tracker: Most Partisan Bills vs. Overall

Tracker Phase	Highest Dem. CPD	Highest Repub. CPD	Overall
Introduced	.812	.613	.617
Passed Sen.	.119	.160	.190
Passed House	.010	.009	.007
Resolving Diff.	.000	.009	.002
To President	.000	.000	.000
Became Law	.059	.208	.183

## V. Discussion

In a hyper-partisan era, one might expect the Senate to grind to a halt on most issues. Instead, I found that collaboration between the two parties on the issue of crime and law legislation remains high, with bipartisanship among cosponsors ranking above average for the two most recent sessions. Polarization also did not lead to gridlock: the two most recent sessions had among the highest rates of success in passing crime and law legislation. Overall, I found that success in crime and law legislation tends to follow a sawtooth pattern wherein a successful



session is often followed by an unsuccessful session. This may indicate a tendency for focus on crime and law legislation to be heightened one session, then shifted elsewhere the next session.

Recall in Petrocik's (1996) original definition of issue ownership focuses on the "perception" of which party is better able to handle the issue at hand. This distinction proved crucial to analysis of issue ownership in crime and law legislation. Democrats indicated more enthusiasm to handle the issue of crime and law. Overall, Democrats account for a higher percentage of all sponsors and cosponsors, and this pattern persists even when partisan control over the Senate becomes equal. However, this enthusiasm did not translate into success in passing such legislation. Rather, Republicans passed a higher percentage of crime and law bills, despite lower rates of sponsorship and cosponsorship in this area.

This may point to an idea of a perceived Republican ownership over crime and law bills within the Senate. One example of this is the progress of highly partisan bills. Highly partisan Democratic bills were much less likely to eventually be passed into law and are most likely to make it no further than introduction. Highly partisan Republican bills, on the other hand, performed roughly the same as or better than the average bill. For Democrats at least, this data appears to reject the "scorched earth" strategy as a viable means to passing crime and law bills into law. However, if Republican issue ownership were so absolute, one would expect to see definitive peaks in crime and law bill success when Republican margins in the Senate were highest, but this was not the case.

CPD emerged as a significant variable for crime and law bill success. Average CPD was substantially lower for both the most successful sessions compared to overall sessions; and for passed bills sponsored by either party, as compared to failed bills. Patterns in cosponsorship also appeared more resistant to changes in party control of the Senate than did patterns in bill

sponsorship: the party in control of the Senate often sponsored nearly all bills of the session, yet peaks and valleys CPD remained milder. This may indicate a resistance to collaboration through cosponsorship to polarizing changes in Senate control. Overall, these data suggest that the crucial element to success for crime and law bills is less likely to be utilizing party margins to push through highly partisan bills, but rather more likely related to the ability to draw in cosponsors from the opposite party and craft a more bipartisan bill.

## **Chapter II: Moral Psychology & Subcategories of Crime and Law Legislation**

### **I. Introduction**

The category of “crime and law” is a broad one with a great degree of variation within the umbrella policy area. Bills included in this category range from border enforcement, to youth handgun regulations, to flag protection, to equipment for law enforcement. Therefore, considering just the broad category of crime and law may mask key differences in the subject areas of the legislation considered. In this chapter, I consider subcategories within crime and law, how analysis within these subcategories may provide further nuance to the consideration of party issue ownership, and how moral psychology might lend to a more complete understanding of which subcategories attract each party’s interest.

### **II. Bipartisanship & Moral Thinking**

What is it about the area of crime and law that simultaneously attracts Democratic interest and Republican advantage? Moral foundations theory, first developed by Haidt and Joseph (2007), suggests that liberals and conservatives rely on different moral foundations. Important to moral foundations theory is its distinction between types of moral thinking. Moral judgment concerns normative distinctions regarding the actions and character of a person; judgments are made with respect to a set of virtues held as obligatory by a culture or a subculture. Haidt further distinguishes between moral reasoning and moral intuition. The key difference between the two is consciousness: moral reasoning is conscious, effortful, and intentional, while moral intuition involves no conscious awareness of the process endured in order to reach a decision.

Haidt (2008) defines moral systems as “interlocking sets of values, practices, institutions, and evolved psychological mechanisms that work together to suppress or regulate selfishness and make social life possible.” There are two main kinds of moral systems. The individualizing approach focuses on the individual as the locus of moral value, and seeks to suppress selfishness by “protecting individuals directly through teaching individuals to respect the rights of other individuals” (Graham et al., 2009, p. 1030). On the other hand, the binding approach focuses on groups and institutions as mechanisms to suppress selfishness through “binding individuals into roles and duties in order to constrain their imperfect natures” (Graham et. al, 2009, p. 1030).

Moral foundations theory focuses on five foundations. Two of these fall within the individualizing foundation: harm/care, and fairness/reciprocity. The harm/care foundation involves basic concerns for the suffering of others, sensitivity to cruelty and harm, and virtues of caring and compassion. The fairness/reciprocity foundation includes “concerns about unfair treatment, inequality, and abstract notions of justice” (Graham et al., 2009). The remaining three foundations fall within the binding foundation: ingroup/loyalty, authority/respect, and purity/sanctity. Ingroup/loyalty involves obligations of group membership, with virtues including loyalty, patriotism, and vigilance against betrayal and dissent. Authority/respect concerns the social order and obligations of hierarchical relationships; virtues include obedience, respect, and proper role fulfillment. Purity/sanctity involves physical and spiritual contagion, with a focus on chastity, wholesomeness, and control of desires (Graham et al., 2009).

The individualizing foundation—harm/care, and fairness/reciprocity—forms the basis of a liberal philosophy focused on the rights and welfare of individuals. Liberals promote social justice, defined by Haidt as “the extension of morality to the societal level,” with a particular emphasis on advancing justice and individual welfare (Graham & Haidt, 2007). Conservatives

base their worldview on the binding foundations—ingroup, authority, and purity. Conservatives focus on protection of institutions, traditions, and divinity. Because of this, conservatism provides a form of motivated social cognition, which functions to reduce fear and uncertainty, avoid change and disruption, and explain, order, and justify inequality among groups and individuals (Jost, 2003; Pratto, 1994).

Gutmann (2001) suggests that the “essential element of all forms of liberalism is individual liberty.” Liberals hold an “unconstrained vision,” characterized by optimism regarding human nature, and a preference for people to be left as free as possible. Conservatives on the other hand hold a “constrained vision” of social issues and are more pessimistic regarding human nature; they have a preference for strong institutions and traditions as a means of constraining inherently selfish human nature. Likewise, Muller (1997) suggests that conservatives are motivated by opposing challenges to authority and institutions presented by liberals. Conservatives have strong emotional sensitivity to threats to the social order and are driven by two core elements: resistance to change, and acceptance of inequality (Jost et. al., 2003).

Given these foundations, how entrenched or persuadable are people regarding their decisions? One motivating factor is the defense motivation, which holds that individuals aim to hold attitudes that are congruent with existing self-definitional attitudes and beliefs (Chaiken, Giner-Sorolla, & Chen, 1996). Self-identifying conservatives, therefore, are encouraged to maintain their binding foundations, while liberals are encouraged to maintain their individualizing foundations. Likewise, individuals hold coherence motives, which encourage individuals to avoid cognitive dissonance through aligning their thinking and beliefs to avoid internal contradictions (Haidt, 2001).

Opinions may be altered due to the reasoned persuasion link in which individuals verbalize moral reasoning to justify their moral judgment to another, but this persuasive effect is rare. Because moral positions always contain an affective component, reasoned persuasion is most likely to succeed not when an individual provides a logically compelling argument, but when the persuader triggers new affectively valenced intuitions in the listener (Haidt, 2001). One common barrier to persuasion is the “wag the other dog’s tail illusion,” which describes a situation in which both sides expect the other to be receptive to altering their opinion after reasoning without recognizing the influence of moral motivations on either side (Haidt & Hersh, 2001). Another situation in which persuasion is unlikely to succeed is when both sides begin with strongly felt opposing intuitions. In this case, reasoned persuasion is unlikely to change the other party’s mind, and may even lead to greater attitude polarization (Haidt, 2001; Lord, Ross, and Lepper, 1979).

### **III. Moral Foundations in the Senate Arena**

How might the existing literature in moral foundations theory play out on the Senate floor? On the most basic level, moral foundations theory supplies a set of expectations for what may motivate each party. Broadly, Democrats can be expected to be motivated by the individualizing foundations and participate in legislation that reduces harm and advances justice. I expect Democrats to promote social justice legislation, which seeks to maximize the welfare and rights of individuals. Likewise, Democratic legislation may focus in particular on those who do not receive equal treatment or full justice in society (Graham & Haidt, 2007). Democrats may be especially sensitive to violations of the harm foundation, and may therefore prioritize legislation focused on victims of crime or reducing punitive prison practices (such as mandatory

life sentences, or prison conditions for juveniles). In promoting the care foundation, Democrats may focus legislation on rehabilitation measures. Given liberals' unconstrained vision, Democratic legislation can be expected to focus less on criminalizing more activities.

On the other hand, Republicans can be expected to participate in legislation which supports the binding foundations. In practice, this means I expect Republicans to advance legislation focusing on the strengthening of pre-existing institutions—such as funding and protections for law enforcement, the F.B.I, and criminal courts, to name a few. Because of conservatives' “positional ideology,” Republicans may particularly support bills strengthening institutions when Democrats hold majority shares of power in Congress, or hold the presidency. Given the conservative constrained vision and emphasis on control of desires, I expect Republicans to support bills which further criminalize deviant behavior, such as drug use. Likewise, conservative desire to maintain the social order may encourage Republicans to support legislation which limits liberties in order to defend social order, such as anti-terrorism surveillance bills. I expect Republicans to be sensitive to violations of the binding foundations and be more punitive than their Democratic colleagues (Silver & Silver, 2016). Bills of interest to Republicans may therefore focus on increasing penalties for committing crimes, such as mandatory minimum sentences and “three-strike” rules.

Given these expectations, I expect high partisan margins when bills fall solidly in support of one party's intuition and in opposition to the other party's. An example of this could be a bill seeking to institute harsh mandatory minimum sentences for juvenile felony offenders. Binding foundations and a preference for punishment would motivate Republicans to support the bill, while violations of the care foundation would drive Democrats to oppose it. Because violations of the fairness foundation were found to be the most taboo across party identification, tradeoffs

between the party's interests may be likely when a bill seeks to correct a fairness violation (Graham, Haidt, & Nosek, 2009).

I expect that bipartisan margins are most likely to occur in one of three situations. First, when a bill effectively balances the foundational motivations of each party. For example, a crime bill that seeks to both reduce fear and uncertainty—appealing to Republicans—as well as reduce harm—appealing to Democrats. Second, when a bill utilizes coherence motives to build a bipartisan coalition. In this case, the focus of the bill would have to create an uncomfortable cognitive dissonance, which would lead to a defense motivation. The Senator would therefore adjust the attitude towards the bill in order to remain congruent with self-definitional beliefs. One example of this could be a Republican choosing to join a Democratic-sponsored bill that seeks to strengthen institutions. Third, when a bill triggers new affectively valenced intuitions. This last situation may have a particular sensitivity to major events occurring beyond the Senate walls. Take, for instance, a mass shooting which results in a major swell of affect, which overrides a Republican's resistance to infringing on the second amendment and instead triggers the desire to reduce fear and anxiety by enacting some element of gun control. On the opposite side, after a domestic terrorist attack, Democrats may be motivated by affect which triggers their desire to reduce harm in a way that overrides their desire for people to be left as free as possible and leads them to support a bill constraining civil liberties.

#### **IV. Methodology: Subcategory Analysis**

As previously mentioned, I utilized the Library of Congress's provided policy area filter for "crime and law enforcement" in order to collect the data for this analysis. Based on bill summaries authored by the nonpartisan Congressional Research Services, I created 18



subcategories within the Library of Congress' crime and law enforcement category. These subcategories were then reliability tested with another coder. I created a set of 50 randomly selected bills and distributed this set to the other coder, along with a codebook describing each subcategory. I then compared the other coder's findings with my own (Krippendorff's alpha = .63). In an effort to reach a higher level of reliability, I made adjustments to the codebook, then conducted a second round of reliability coding with another set of 50 randomly selected bills. After this, reliability was strengthened (Krippendorff's alpha = .86). From there, I classified the remaining bills for one primary subcategory.

## **V. Subcategory Analysis**

The sub-categories with the highest amount of bills included criminal justice reform (58), drugs and gangs (50), juveniles and children (49), and law enforcement and policing (46). These four categories accounted for nearly half of all crime and law bills (47%). Patterns in the amounts of these subcategories of bills introduced each session varied greatly. Not unsurprisingly, the highwater marks for the most bills per subcategory introduced tended to coincide with major U.S. or global events. Terrorism bills, for instance, saw their highest number introduced in the session following the 9/11 attacks, the 107th session (2001-2003), and the 109th session (2005-2007). As growing numbers of households began to learn how to use the internet, cyber law bills reached their highwater mark in the 105th and 106th sessions (1997-2001), roughly the same year as the Census Bureau first collected data about household internet use [Table 2.1].<sup>2</sup>

Some subcategories received consistent interest over sessions. This was the case for bills relating to juveniles/children and criminal justice reform, which were the only subcategories to

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<sup>2</sup> <https://www.census.gov/content/dam/Census/library/publications/2018/acs/ACS-39.pdf>

have at least one bill introduced every session. Similarly, senators introduced at at least one guns/weapons bill every session except the 109th (2005-2007). Other subcategories seemed to have marked rises and plateaus in interest. Interest in bills relating to counterfeit/copyright and fraud seems to have plateaued in recent years, with 0 bills introduced on these topics since the 112th session (2011-2013). On the other hand, drug/gang-related bills had 0 bills introduced for three straight sessions (102nd-104th), yet saw at least 2 drug/gang-related bills for the next 11 sessions that followed (105th-115th). Likewise, senators introduced 0 law enforcement/policing bills from the 101th session to the 104th session (1989-1997), then at least 2 bills introduced every session since, with the exception of the 109th session (2005-2007).

Total success rate of each subcategory ranged greatly. The average success rate for all subcategories with at least 10 bills introduced in this time period was 24%. Three subcategories emerge with the highest total success rates: federal agencies (40%), crimes against protected groups (38.9%), and law enforcement/policing (33%). Federal agencies and law enforcement/policing align closely with the authority/institutions foundation, but crimes against protected groups aligns more with the harm/care foundation. The subcategories with the lowest total success rates were guns/weapons (6.1%), cyberlaw (10%), and GBV/IPV (14.3%). Guns/weapons may have had lower success due strongly felt opposing intuitions from both parties. For Democrats, gun control bills aim to reduce harm from gun violence; for Republicans, gun control bills are liberal challenges to the authority/institutions foundation.

As previously mentioned in Chapter I, the Senate often seemed to focus on one issue for a session, then, having spent all political capital on the issue, focused elsewhere the next session. There was some evidence to support this idea in success rates by subcategory: for instance, successful sessions for bills relating to juveniles and children were always followed by sessions

in which no bills related to juveniles/children passed. While this was not the case for every subcategory, large percentage changes in success rates between sessions were common for many of the subcategories [Table 2.1].

*Table 2.1 Crime and Law Subcategories*

Subcategory	Total Bills	Share of C/L Bills	Total Success Rate
Criminal Justice Reform	58	13.4%	19%
Drugs/Gangs	50	11.6%	22%
Juveniles/Children	49	11.3%	30.6%
Law Enforcement/Policing	46	10.6%	37%
Guns/Weapons	33	7.6%	6.1%
GBV/IPV	28	6.5%	14.3%
Other	26	6.0%	26.9%
Federal Agencies	20	4.6%	40%
Cyberlaw	20	4.6%	10%
Terrorism	19	4.4%	21.1%
Protected Groups	18	4.2%	38.9%
Counterfeit/Copyright	14	3.2%	21.4%
Fraud	13	3.0%	30.8%
Theft	11	2.5%	18.2%
Environmental	9	2.1%	33.3%
Surveillance	7	1.6%	28.6%
Abortion	6	1.4%	0%
Human Trafficking	5	1.2%	60%

## **VI. Bipartisanship in Crime and Law Subcategories**

Beyond the sponsorship level, cosponsor data provides important context to patterns in party participation in the subcategories. GBV/IPV bills had the highest average amount of total cosponsors (22.6), followed by crimes against protected groups (18.7), and law enforcement/policing (14.7). The bills that attracted the highest average amount of Democratic cosponsors were the same: GBV/IPV (15.8), crimes against protected groups (13.8), and law enforcement/policing (9.5). For Republicans, the top three categories with the highest average Republican cosponsors were juveniles/children (7.1), GBV/IPV (6.9), and criminal justice reform (5.2). The Average Cosponsor Partisan Difference (ACPD) overall leaned Democratic at

.23. The three most bipartisan subcategories in terms of ACPD were juveniles/children (.04), theft (-.04), and counterfeit/copyright (-.06).

Table 2.2 Crime and Law Subcategories: Cosponsorship

Subcategory	Ave. D. Co.	Ave. R. Co.	Ave. Total Co.	ACPD
Criminal Justice Reform	8.1	5.2	13.1	.10
Drugs/Gangs	6.4	4.1	10.5	.21
Juveniles/Children	7.3	7.1	14.4	.04
Law Enforcement/Policing	9.5	5.2	14.7	.19
Guns/Weapons	8.8	4.1	12.9	.51
GBV/IPV	15.8	6.9	22.6	.35
Other	6.0	4.0	10.0	.23
Federal Agencies	4.3	2.4	6.6	.25
Cyberlaw	4.3	3.1	7.4	.29
Terrorism	4.8	3.5	8.4	-.11
Protected Groups	13.8	4.8	18.7	.32
Counterfeit/Copyright	3.1	2.8	5.9	-.06
Fraud	9.1	3.0	12.1	.48
Theft	3.4	3.8	7.2	-.04
Environmental	8.4	2.0	10.4	.62

### Subcategories: Percent Ave. Party Cosponsorship

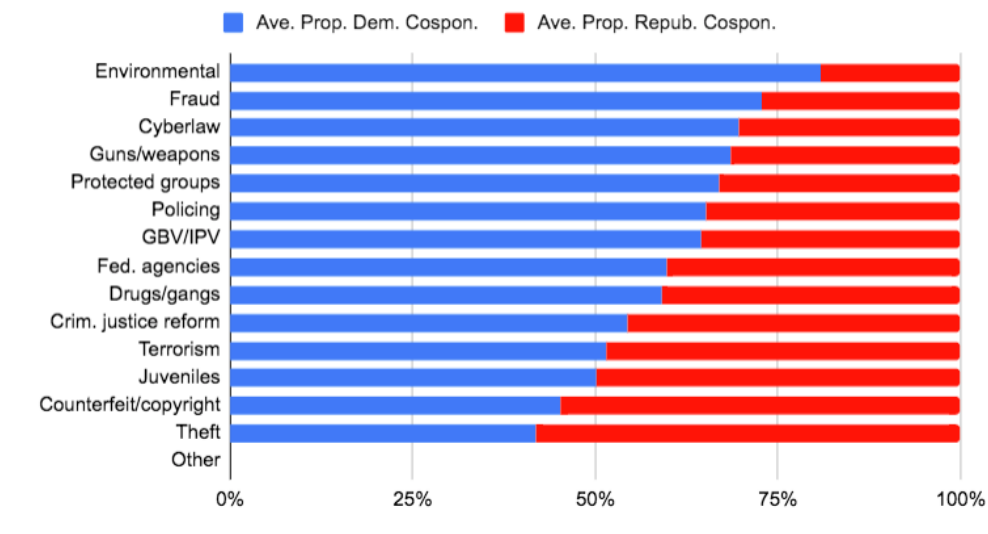


Figure 2.1

Trends in bipartisanship within the subcategories over time is quite varied. Some subcategories, like law enforcement and policing, see high CPD one session in favor of one party, then high CPD favoring the opposite party in the next session. Other subcategories' CPD increases in favor of one party gradually, hits a peak, and incites a reaction from the other party, resulting in a steep movement towards the opposite party in the next session. This was the case for CPD for drugs/gangs, which steadily trended Democratic for the majority of sessions 109 to 114. Democratic CPD peaked in session 114 at .62, then fell to .01 in session 115.

## **VII. Issue Ownership in Crime & Law Subcategories**

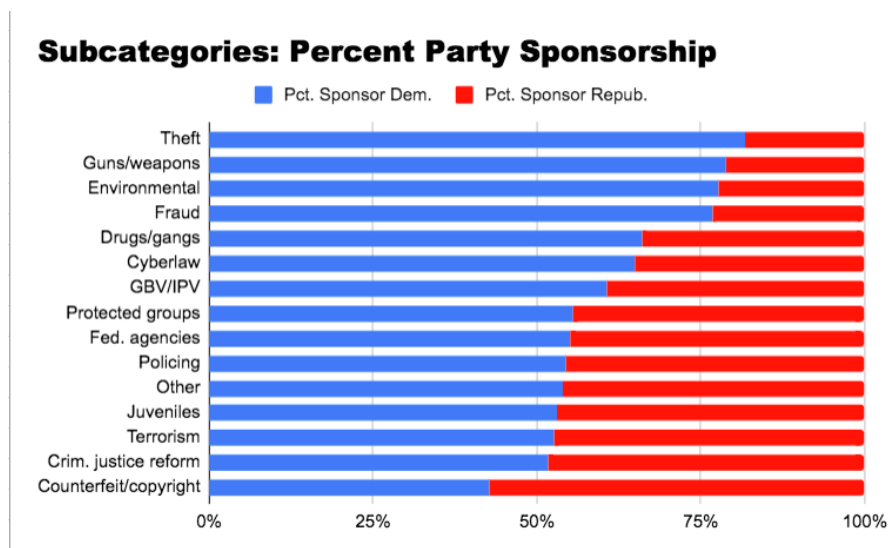
One way to examine party interest in each of the subcategories is through analyzing sponsorship data. Democrats sponsored the most bills related to drugs/gangs (33), criminal justice reform (30), and guns/weapons (26). The three subcategories that Democrats sponsored the least were counterfeit/copyright (6), theft (9), terrorism (10), crimes against protected groups (10), and fraud (10). For Republicans, the top three subcategories sponsored were criminal justice reform (28), juveniles/children (23), and law enforcement/policing (21). The subcategories with the fewest Republican sponsors included theft (2), fraud (3), cyberlaw (7), and guns/weapons (7) [Table 2.2].

The previous discussion of issue ownership concerned the treatment of crime and law legislation as a whole. With the subcategories, a more nuanced consideration can be given to whether the parties lay claim to different subcategories within the broad category of crime and law legislation. Given the variation in amounts of bills in each subcategory, percentages of bills sponsored by each party may give a more complete answer to this question. Democrats sponsored more than half of all the bills in all subcategories, with the exception of

counterfeit/copyright. Democrats sponsored the largest majorities in the theft subcategory (81.8%), guns/weapons (78.8%), and fraud (76.9%). Republicans sponsored the largest majority in counterfeit/copyright (57.1%), and sponsored less than 50% of all other subcategories [Figure 2.1].

*Table 2.3 Crime and Law Subcategories: Party Ownership*

Subcategory	D. Spon.	Share D. Spon.	R. Spon.	Share R. Spon.	TSPD
Criminal Justice Reform	30	51.7%	28	48.3%	.03
Drugs/Gangs	33	66%	17	34%	.32
Juveniles/Children	26	53.1%	23	46.9%	.06
Law Enforcement/Policing	25	54.3%	21	45.7%	.09
Guns/Weapons	26	78.8%	7	21.2%	.58
GBV/IPV	17	60.7%	11	39.3%	.21
Other	14	53.8%	12	46.2%	.08
Federal Agencies	11	55%	9	45%	.1
Cyberlaw	13	65%	7	35%	.3
Terrorism	10	52.6%	9	47.4%	.05
Protected Groups	10	55.6%	8	44.4%	.11
Counterfeit/Copyright	6	42.9%	8	57.1%	-.14
Fraud	10	76.9%	3	23.1%	.54
Theft	9	81.8%	2	18.8%	.64



*Figure 2.2*

Because sheer amount of bills sponsored does not necessarily indicate success, a further look at success rates by party aids in this examination. Of Democratic-sponsored bills passed into law, Democrats had the most bills in the drugs/gangs (8), juveniles/children (7), federal agencies (6), and law enforcement/policing (6) subcategories. In terms of shares of a subcategory that were most successful, Democrats had the highest share of their federal agencies (60%), other (35.7%), crimes against protected groups (30%), and fraud (30%) bills passed into law. The least successful shares of subcategories for Democrats included GBV/IPV (0%), counterfeit/copyright (0%), and guns/weapons (3.8%). Compared to Republicans, Democrats had the largest Comparative Partisan Success (CPS) over federal agencies (.35), theft (.22), and other (.19) bills [Table 2.3].

The highest amounts of successful Republican-sponsored bills were in the law enforcement/policing (11), juveniles/children (8), and criminal justice reform (7) subcategories. Republicans had the highest share of their law enforcement/policing (52.4%), crimes against protected groups (44.4%), and terrorism (42.9%) bills passed into law; and the lowest shares passed of their theft (0%), cyberlaw (11.1%), and guns/weapons bills (14.3%). Compared to Democrats, Republicans had the largest CPS margins over counterfeit/copyright (-.38), GBV/IPV (-.36), and terrorism (-.35) [Table 2.3].

*Table 2.4                      Crime and Law Subcategories: Partisan Success Rates*

Subcategory	D. Spon.	D. Success	R. Spon.	R. Success	CPS
Criminal Justice Reform	30	13.3%	28	25%	-.12
Drugs/Gangs	33	24.2%	17	17.6%	.07
Juveniles/Children	26	26.9%	23	34.8%	-.08
Law Enforcement/Policing	25	24%	21	52.4%	-.28
Guns/Weapons	26	3.8%	7	14.3%	-.1
GBV/IPV	17	0%	11	36.4%	-.36
Other	14	35.7%	12	16.7%	.19
Federal Agencies	11	60%	9	25%	.35
Cyberlaw	13	9.1%	7	11.1%	-.02
Terrorism	10	7.7%	9	42.9%	-.03
Protected Groups	10	30%	8	44.4%	-.14
Counterfeit/Copyright	6	0%	8	37.5%	-.38
Fraud	10	30%	3	33.3%	-.03
Theft	9	22.2%	2	0%	.22

*\* CPS refers to “Comparative Partisan Success”*

### **VIII. Methodology: Moral Foundations Theory Analysis**

While the subcategories were created with a focus on distinguishing qualities of each crime or group of focus, some of the subcategories lend particularly well to the five moral foundations. Crimes against protected groups, GBV/IPV, and human trafficking bills most often relate to the harm/care foundation; bills seeking to criminalize abortion often relate to the purity/sanctity foundation. Other subcategories may align with moral foundations or stand in opposition to the moral foundation, depending on the content within the bill. This may be the case for criminal justice reform bills: those bills which seek to strengthen the institutions inherent to the criminal justice system will align with the binding foundations, while other bills within this subcategory may seek to reform and limit the powers of these institutions. A similar case might be made for the federal agencies and law enforcement/policing subcategories. The juveniles/children subcategory may at first seem to align closely with the harm/care foundation, but this again depends on the content of the bill. Some juveniles/children bills may seek to



protect children from being victims of crime, while others might focus on punishment for juvenile offenders.

In order to address this possible variation, I focused on the harm/care foundation. Within the top subcategories for each party, I coded the successful bills for at least one instance of increased punishment. I considered a bill to have an instance of increased punishment if a bill included measures such as increased mandatory minimums, expansion of criminalized activities or substances, and reduced ability for early release from prison, among others. In order to address the potential for variation within the juveniles/children and criminal justice reform categories, I further split these subcategories into additional secondary subcategories. I coded the juveniles/children subcategory with two main secondary subcategories: crimes committed *by* juveniles (juvenile criminal offenders), and crimes committed *against* juveniles (juvenile victims of crime). I coded the criminal justice reform bills as pre-conviction (sentencing guidelines, habeas corpus rules, bail requirements, etc.), post-conviction (post-conviction release requirements, restrictions on prisoner possessions, implementation of the death penalty, etc.) or general (includes regulations related to both pre- and post-conviction).

### **IX. Moral Foundations Theory in Crime & Law Subcategories**

Even keeping in mind the variation possible within the subcategories, some surprising patterns arise in partisan sponsorship across the subcategories. For instance, Democrats sponsored 66% of all drug/gang bills, and drug/gang bills accounted for Democrats' subcategory with the highest amount of successful bills. This is unexpected because moral foundations theory would predict that this subcategory would be owned by Republicans; preventing or punishing drug use seems to align most closely to the purity/sanctity foundation. Furthermore, moral

foundations theory would predict that Democrats would favor measures within bills which seek to reduce harm rather than increase punishment. However, 62.5% of successful Democratic-sponsored drug/gang bills contained measures seeking to increase punishment, and 50% contained harm reduction measures.

Instances of provisions of increased punishment in Democratic-sponsored drug/gang bills include Senator Joe Biden's (D-DE) Anabolic Steroid Control Act of 2004, which broadened the definition of "anabolic steroids" and advocated for increased penalties for crimes involving anabolic steroids; and Senator Dianne Feinstein's (D-CA) Transnational Drug Trafficking Act of 2015, which "broaden[ed] the scope of persons subject to criminal prosecution for manufacturing or distributing a controlled substance." On the other hand, one example of a Democratic-sponsored bill seeking to reduce harm is Senator Sheldon Whitehouse's (D-RI) Comprehensive Addiction and Recovery Act of 2016, which included a provision directing HHS to "award grants to expand access to drugs or devices approved by the FDA for emergency treatment of opioid overdose (e.g., naloxone)." Another notable feature is that 50% of all successful Democratic-sponsored drug/gang bills passed in the 111th session, suggesting a period of combined intense party focus and concentrated party success in passing bills related to this issue.

Democrats also had the highest amount of federal agencies bills passed into law. This is also unexpected: moral foundations theory predicts that Republicans would be the ones inclined to sponsor bills focused on strengthening institutions. Some Democratic-sponsored federal agency bills did in fact focus on strengthening institutions; this was the case for Sheldon Whitehouse's (D-RI) Investigative Assistance for Violent Crimes Act of 2012, which expanded the role that the Attorney General and the Secretary of Homeland Security may play in

investigations of mass killings. Three bills focused exclusively on extending pre-existing terms of key figures in criminal justice-related institutions.<sup>3</sup> No bills seemed to focus exclusively on narrowing the role or strength of institutions, though two bills did require that hires of the FBI and DHS pass polygraph tests prior to being hired.<sup>4</sup>

Democrats were successful in passing 7 juveniles/children bills into law. All of the successful Democratic bills fell within the crimes committed *against* juveniles category, accounting for a success rate in this secondary subcategory of 43.8%. Some of these bills centered on offenders of crimes against juveniles, including increasing punishment for those who fail to pay child support and increased requirements for sex offenders.<sup>5</sup> Other bills focused on juvenile victims of crime, such as one bill which established a National Strategy for Child Exploitation Prevention and Interdiction.<sup>6</sup> A third category centered on oversight or requirements for related institutions, such as the Office of Juvenile Justice and Delinquency and the National Center for Missing and Exploited Children.<sup>7</sup> The 110th session was particularly prolific: 57.1% of all successful Democratic bills in this subcategory passed in the 110th session. This may indicate a high degree of party focus on the issue in the 110th session.

Democrats also had 6 successful law enforcement/policing bills. These bills fell into two broad categories: situational and operational. The first situational bill focused on transportation of violent criminals; the second situational bill established the “Blue Alert,” for the “serious

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<sup>3</sup> Joe Biden’s A bill to amend section 992 of title 28, United States Code, to provide a member of the United States Sentencing Commission whose term has expired may continue to serve until a successor is appointed or until the expiration of the next session of Congress (S.1963); Carl Levin’s Independent Counsel Authorization Act of 1994 (S.24), and Patrick Leahy’s A Bill to extend the term of the incumbent Director of the Federal Bureau of Investigations (S.1103).

<sup>4</sup> Leahy, Patrick. FBI Reform Act of 2002. S.1974; Pryor, Mark. Anti-Border Corruption Act of 2010. S.3243.

<sup>5</sup> Shelby, Richard. Child Support Recovery Act of 1992. S.1002; Schumer, Charles. KIDS Act of 2008. S.431.

<sup>6</sup> Biden, Joseph. PROTECT Our Children Act of 2008. S.1738.

<sup>7</sup> Coons, Christopher. Victims of Child Abuse Act Reauthorization Act of 2013. S.1799; Leahy, Patrick. Protect our Children First Act of 2007. S.1829

injury or death of a law enforcement officer in the line of duty,” or “an officer who is missing in connection with the officer's official duties.” The operational bills were fairly varied across topics of bulletproof vest grants, and which officers were included in mandatory training requirements, among others.

Perhaps most notable within the successful Democratic-sponsored law enforcement and policing bills are two bills which seem to fall squarely within the binding foundations. Firstly, Patrick Leahy’s (D-VT) Law Enforcement Officers Safety Act Improvements Act of 2010 centered around expanding the officers eligible to carry a concealed firearm. Though Leahy did include a provision calling for proper training and mental health requirements, strengthening the institution of the police through expanding firearm usage toes onto the issue area expected of Republicans. Secondly, Patrick Leahy’s Mychal Judge, Police, and Fire Chaplains Public Safety Officers’ Benefit Act of 2002 focused on including “chaplains killed in the line of duty among persons who qualify to receive public safety officer death benefits.” Such a religiously focused bill would be expected to fall within the conservative purity/sanctity foundation.

Law enforcement and policing was also a successful subcategory for Republicans, accounting for their subcategory with the highest number of successful bills. A few of these bills were quite similar to successful bills sponsored by Democrats, including a bill seeking to expand eligibility of officers who could carry a concealed firearm and bills focused on bulletproof vest grants.<sup>8</sup> Another successful Republican bill sought to expand the role of police officers through establishing “school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities.”<sup>9</sup>

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<sup>8</sup> Campbell, Ben. Law Enforcement Officers Safety Act of 2003. S.253; Campbell, Ben. Bulletproof Vest Partnership Grant Act of 1998. S.1605; Campbell, Ben. Bulletproof Vest Partnership Grant Act of 2000. S.2413.

<sup>9</sup> Campbell, Ben. A bill to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers. S.2235

One strategy that seemed successful with these Republican bills was linking law enforcement and policing with other popular conservative issues, such as Ben Campbell's (R-CO) bill expanding concealed carry among police officers, and John Cornyn's (R-TX) bill extending COPS grants for "active shooter training programs."<sup>10</sup> Other bills displayed conservative's preference for increasing punishment, such as Gordon Smith's (R-OR) Federal Judiciary Protection Act of 2001, which increased penalties for assaulting, resisting, threatening, or impeding a federal law enforcement official.<sup>11</sup> On the other side, however, George Voinovich's (R-OH) Federal Law Enforcement Pay and Benefits Parity Act of 2003 called for a study on pay and benefit disparities among federal law enforcement officers, which seems to reside under the fairness/reciprocity foundation crucial to liberals.

Republicans were also successful in passing juveniles/children bills. Republicans both sponsored the most and passed the most bills in the crimes against juveniles subcategory. With 6 crimes against juveniles bills passed into law, Republicans passed 40% of all crimes against juveniles bills they sponsored. Some of these bills focused on punishment for offenders of crimes against juveniles. One example is the PROTECT Act, which increased mandatory minimum sentences for offenders convicted of federal sex offense crimes against minors. Others focused mainly on protection for juvenile victims, like one bill outlining procedures for determining the amount of restitution due in child pornography cases.<sup>12</sup> Several bills focused on the institutions involved in investigations for juvenile victims of crime, such as liability protections for the Center for Missing and Exploited Children; and grants for children's advocacy centers (CACs), which aid in coordinating responses to child abuse.<sup>13</sup> Interestingly, Republicans passed all of

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<sup>10</sup> Campbell, Ben. Law Enforcement Officers Safety Act of 2003. S.253; Cornyn, John. Protecting Our Lives by Initiating COPS Expansion Act of 2016. S.2840.

<sup>11</sup> Smith, Gordon. Federal Judiciary Protection Act of 2001. S.1099.

<sup>12</sup> Hatch, Orin. Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018. S.2152.

<sup>13</sup> Hatch, Orin. A bill to amend the Protect Act to clarify certain volunteer liability. S.1280; Blunt, Roy. Victims of Child Abuse Act Reauthorization Act of 2018. S.2961.

their successful juveniles/children bills in either the 108th session (3 bills) or the 115th session (5 bills). This suggests a degree of concentrated party focus on this topic.

Republicans also passed 7 criminal justice reform bills; 3 of these bills focused on general criminal justice reform, 3 focused on mental health, and 1 focused on post-conviction. The general bills focused on a wide range of issues from technology and information systems improvements, to restitution for victims of crime, to backlogs in rape kits, among others.<sup>14</sup> The aforementioned First Step Act of 2018 was among this category, which included provisions like reduced mandatory minimum sentences and an Independent Review Committee to study recidivism. The one bill focused on post-conviction required that federal prisoners pay a fee for most health care services.<sup>15</sup> The mental health bills centered on procedures and services for mentally ill offenders, such as grants which sought to expand the use of mental health courts, and specialized training for justice agency officers in identifying and responding to mental illness symptoms, among others.<sup>16</sup> The success of this secondary subcategory is particularly interesting: it aligns closely with the harm/care foundation associated with liberals, yet Republicans sponsored 71.4% of all mental health bills and succeeded in passing 60% of these bills.

## **X. Discussion**

Consideration of party issue ownership within subcategories of crime and law legislation provides important context to the discussion of applications of moral foundations theory to the Senate floor. While I expected Democrats and Republicans to self-sort into their respective moral foundations through sponsorship patterns, instead I found notable divergence from traditional

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<sup>14</sup> Dewine, Mike. Crime Identification Technology Act of 1998. S.2022; Cornyn, John. Justice for All Reauthorization Act of 2016. S.2577; Sullivan, Dan. First Step Act of 2018. S.756.

<sup>15</sup> Kyl, Jon. Federal Prisoner Health Care Copayment Act of 2000. S.704.

<sup>16</sup> Dewine, Mike. America's Law Enforcement and Mental Health Project. S.1865; DeWine, Mike. Mentally Ill Offender Treatment and Crime Reduction Act of 2004. S.1194; DeWine, Mike. Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008. S.2304.

moral psychology. Democrats sponsored the most bills in drugs/gangs, a subcategory I predicted would be owned by Republicans due to their constrained vision and purity/sanctity foundations. This apparent inconsistency may be explained by framing, which is the deliberate selection of some features of information in order to raise their salience in a message (Entman, 1993). Democrats may frame drugs/gangs bills to be harm/care bills by focusing on the potential harm caused by drug use or gang violence. Increased criminalization or punishment in drug/gang bills may therefore be framed as consistent with liberals' moral foundations.

The idea of framing might also be relevant in highlighting a limitation of applying moral foundations theory. While I focused primarily on the harm/care foundation through looking at instances of punitive measures in bills, which foundation each subcategory falls within may be dependent on framing. For example, a bill seeking to establish a strict mandatory minimum for offenders of child pornography would, under my coding scheme, be considered a punitive measure. This same measure, however, could be considered as reducing harm, if instead framed as reducing the harm felt by the victim of the crime. Further work in this area could focus on ways in which to increase consistency in coding each foundation.

There appeared a pattern of issue ownership on the individual senator level. Orin Hatch, for instance, sponsored 57.1% of all successful Republican-sponsored juveniles/children bills and passed 3 successful bills in this subcategory in one session alone. Mike DeWine sponsored 60% of all successful criminal justice reform bills focused on mental health. Among successful Democratic-sponsored bills, Patrick Leahy (D-VT) sponsored 57.1% of general criminal justice reform bills, and Dianne Feinstein (D-CA) sponsored 37.5% of all successful drugs/gangs bills. Some Democratic senators, like Patrick Leahy and Joe Biden (D-DE), also showed particular interest in increasing punishment, seemingly in opposition to the harm/care foundation. One

possible explanation for why Leahy and Biden may favor punishment relates to the moral foundations subgroup of a religious left, which favors values authority/institutions to a higher extent than secular liberals (Graham & Joseph, 2009). Because Leahy and Biden are both devout Catholics, they may be among this subgroup of liberals.

Why do Democrats demonstrate such divergence from their expected moral foundations? It is important to underscore that the aforementioned bills are *successful* ones; meaning, these bills were able to garner enough support from both parties, or enough united support from the party in power, in order to pass into law. In the former case, senators make mental calculations to determine if there are enough appealing elements of the bill in order to justify supporting a bill from the opposite party. Democrats may therefore intentionally include provisions they know will appeal to Republicans in order to garner support from the opposite side of the aisle. One example of this could be Joe Biden's (D-DE) Anabolic Steroid Control Act of 2004, which included punitive provisions such as increased penalties for anabolic steroid possession; perhaps because of this, Biden's bill drew more Republican cosponsors than Democratic cosponsors. Bills which strike a balance between provisions appealing to both parties tend to be omnibus bills with many titles.

Another successful strategy for garnering support from the opposite party appears to be not striking a balance between appealing provisions for each party, but rather avoiding controversial elements altogether. These bills tend to be narrowly focused on the non-controversial issue, like Patrick Leahy's (D-VT) bill amending the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad officers to attend the FBI National Academy for law enforcement training and dispersed no funds for the measure.



There was a high amount of “crossing over” into the opposite party’s expected area of focus. Successful Democratic bills may focus on issues traditionally associated with the conservative foundations due to a perceived issue ownership by Republicans, or this may simply be an indication of the big tent nature of the Democratic party. Republicans also expressed more of an interest in the harm/care foundation than expected, such as their success in passing mental health bills and the high share of their GBV/IPV bills passed, but were also reliably interested and successful in passing bills related to the binding foundations.

Overall, due to the high degree of variation within each party, these results may provide support for the 4 cluster moral foundations scale described by Graham and Joseph (2009) over the binary liberals/conservatives model.

## **Chapter III: Social Contagion Theory &**

### **Senate Collaboration Networks**

#### **I. Intro**

The previous chapter found a high degree of variation within parties, as well as some indicators of senator-level issue ownership. These findings underscore the need to consider the Senate beyond the dichotomy of the two parties and instead consider the Senate as a network of individuals who collaborate, compete, and influence each other.

Notable in moral foundations theory is its social model, which emphasizes the importance of social and cultural influences. Moral reasoning is an interpersonal process, highly attuned to the emergence of group norms and can elicit outward conformity (Haidt, 2001). This chapter will explore the influence of party outliers and how they may help facilitate bipartisanship within Senate networks.

#### **II. Social Contagion Theory**

How do ideas or behaviors catch on within a network? The crucial unit of networks is interpersonal ties. Strong interpersonal ties are characterized by time, emotional intensity, and reciprocal services (Granovetter, 1973). People within a network feel strong psychological pressures to align their feelings and beliefs with those of their strong ties in order to avoid cognitive dissonance (Granovetter, 1973). However, networks are not made up of only strong ties. Here it is useful to define between two types of networks: effective networks and extended networks. Effective networks interact most regularly and in the most depth and are therefore made up of strong ties. Extended networks account for the weak ties which make up the remainder of the network (Epstein, 1969).

Granovetter (1973) argues that ideas can diffuse more effectively through weak ties than strong ties. This is because weak ties are more likely to be formed between socially distant actors with few network neighbors in common, and therefore provide access to new information that would have otherwise been sequestered in a distant portion of the network (Granovetter, 1973). One way this is accomplished is through bridges, which are lines in a network which provide the only path between individual A and individual B. Bridges serve as the only pathway for information or influence to flow from individual A to any of individual B's connections (Haray, Norman, Cartwright, 1965).

After ideas move within a network, there are two primary models for how they catch. In a simple contagion, repeated contact with a single individual can be sufficient for transmission of ideas. In a complex contagion, transmission requires social reinforcement from multiple contacts, rather than just repeated contact with one individual. Contagions are most likely to be complex when the idea is perceived as costly or difficult, or is accompanied by a need for social legitimation or credibility (Centola and Macy, 2007). Whether or not an idea is adopted also relates to collective action theory. Olson (1965) points to a fundamental startup problem: as the number of individuals needed to produce a collective good increases, the value of any single individual's contribution declines. Therefore, barring any additional incentives, rational individuals will choose not to contribute (Olson, 1965). Critical mass theory provides a counterargument: because contributions to collective action can result in positive externalities, initial contributions can create a bandwagon effect that mobilizes larger populations (Marwell and Oliver, 1993).

Granovetter (1978) focuses on binary decision making wherein there are two distinct and mutually exclusive choices. These decisions have a positive side—choosing to do

something—and a negative side—choosing *not* to do something (Granovetter, 1978). Buried within the perceived costs and benefits of choosing to do something are how many others have already chosen to do something themselves. Likewise, according to McCullen (2013), individuals make decisions based on personal preference, the average of the preferences of nearby individuals in their network, and the global average of preferences. In practice, individuals construct a “threshold,” a point where the perceived benefits of the positive side exceed the perceived costs (Granovetter 1978, pg. 1422). Each individual has a threshold for cooperating: if individual A requires 10 other people to join before she does (a threshold of 10), she will join if 10 people have already joined, but she will not join if fewer than 10 people have joined. Related is the idea of a critical mass, which is the gap between no cooperation and the “level of cooperation at which the growth of participation becomes self-sustaining” (Centola, 2013, pg. 7).

The composition of groups influences how ideas catch. Centola (2013) argues that homophily supports the growth rate of social movements because deviant behavior requires affirmation by like minded peers that protects against normative backlash. However, very high levels of homophily may ultimately slow the transmission of ideas because it impedes collective action from spreading beyond only one portion of the network (Centola, 2013). Because of this, two types of actors within a network are crucial: radicals and instigators. Radicals have low thresholds and perceive the costs of participating as low. Instigators have extremely low thresholds to the point that they are willing to participate even if they are the *first* to do so (Granovetter, 1978).

### **III. Social Contagion in the Senate Arena**

Bill cosponsorship most likely requires a complex contagion influenced by threshold-based decision making on the individual senator level. Firstly, the decision to cosponsor is most likely a complex contagion because it requires social reinforcement and legitimation from several party members, and may be costly or difficult if it goes against party expectations. Secondly, each Senator likely has their own threshold for cosponsorship on a bill sponsored by the opposite party. For example, Senator X likely has in mind how many members of his own party would have to have joined a bill sponsored by the opposite party before Senator X himself joins. Critical mass theory likely applies here as well because bipartisan bill cosponsorship may generate positive externalities, such as reciprocal support on future bills.

Decision making in the Senate is a combination of personal and party preferences. Applying McCullen's (2013) principles of decision making, before signing onto a bill senators must consider their personal preferences, such as their policy priorities or campaign promises; the average of their allies in the Senate; and the overall preference of their party. The decision to cosponsor is a binary decision: the positive side is joining the bill as a cosponsor; the negative side is not joining.

When thinking of the Senate as a network, there are several ways to conceptualize effective vs extended networks. Effective networks may be each party, with their extended networks including members of the opposite party with whom they sometimes collaborate. Because this thesis is focused on one issue area, the effective network may be the judiciary committee, with the extended network including other interested Senators who do not sit on the committee themselves. Overall, strong ties are more likely to be held between members of the same party, and weak ties more likely to be held with members of the opposite party.

The benefit and the risk of homophilous networks is particularly relevant to bill cosponsorship. Party networks tend to be homophilous, so a bill sponsored by a prominent member of one party may benefit from homophily in the spread of influence to other members of the same party, therefore drawing in many same party cosponsors. However, the degree of homophily of a party network may hinder a bill's success if the bill is unable to reach the extended network needed to garner support of the opposite party. Instigator and radical senators are therefore crucial because their low thresholds enable them to be early cosponsors, which may have a bandwagon effect drawing on more members of their party.

#### **IV. Methodology: Conceptualizing Radicals and Instigators**

In order to operationalize instigators and radicals, I divided Cosponsor Partisan Difference (CPD) by quartiles and looked at the bills with the highest partisan leaning in either direction. This resulted in a set of 207 bills in various stages of success: 106 bills with highest Republican partisanship, and 101 bills with highest Democratic partisanship. I coded all senators who were cosponsors on bills with the highest partisanship of the opposite party as radicals. From there, I used the Library of Congress' asterisk distinction, which indicates an original cosponsor to define "instigator." Using this distinction, I coded all senators on a binary scale of instigator, or not an instigator, depending on whether or not they were original cosponsors. See Figure 3.1 for an example of the Library of Congress' indication of original and non-original cosponsors.

Cosponsor	Date Cosponsored
<a href="#">Sen. Grassley, Chuck [R-IA]*</a>	10/23/2003
<a href="#">Sen. Kohl, Herb [D-WI]*</a>	10/23/2003
<a href="#">Sen. Biden, Joseph R., Jr. [D-DE]*</a>	10/23/2003
<a href="#">Sen. Kyl, Jon [R-AZ]*</a>	10/23/2003
<a href="#">Sen. Harkin, Tom [D-IA]*</a>	10/23/2003
<a href="#">Sen. Johnson, Tim [D-SD]</a>	02/02/2004
<a href="#">Sen. Schumer, Charles E. [D-NY]</a>	04/26/2004
<a href="#">Sen. Talent, Jim [R-MO]</a>	10/04/2004
<a href="#">Sen. Coleman, Norm [R-MN]</a>	10/06/2004

Figure 3.1

## V. Radical & Instigator Senators

I had two main expectations prior to these calculations. First, I expected the instigator and radical senators to be from swing states, and therefore partner with the opposite party without the support of his or her home party in order to appeal to both sides of his or her constituency. Second, I expected these senators to have many years of experience. More years in the Senate may translate to both deepened relationships with various senators including those across the aisle, as well as a degree of electoral safety which may incentivize riskier behavior.

Overall, there were many more Democratic radicals than Republican radicals. 73 Democrats at least twice cosponsored bills with the largest Republican majority among cosponsors; only 15 Republicans joined bills at least twice with the largest Democratic majority among cosponsors. Top Democratic radicals included Dianne Feinstein (D-CA; 25), Patrick Leahy (D-VT; 17), and Richard Blumenthal (D-CT; 13) [Figure 3.1]. Top Republican radicals include Arlen Specter (R-PA; 11), John Chafee (R-RI; 5), Susan Collins (R-ME; 5), Chuck

Grassley (R-IA; 5), and Olympia Snowe (R-ME; 5) [Figure 3.2]. The most often occurring states among Democratic radicals were Connecticut with 4 occurrences, and the following states with 3: CA, DE, HI, MA, MN, MD, NJ, NV, and NY. For Republicans, Maine was the top state with 3 occurrences, and the following states had two occurrences: UT, RI, PA, OR, NV, NM, and KS [Table 3.1].

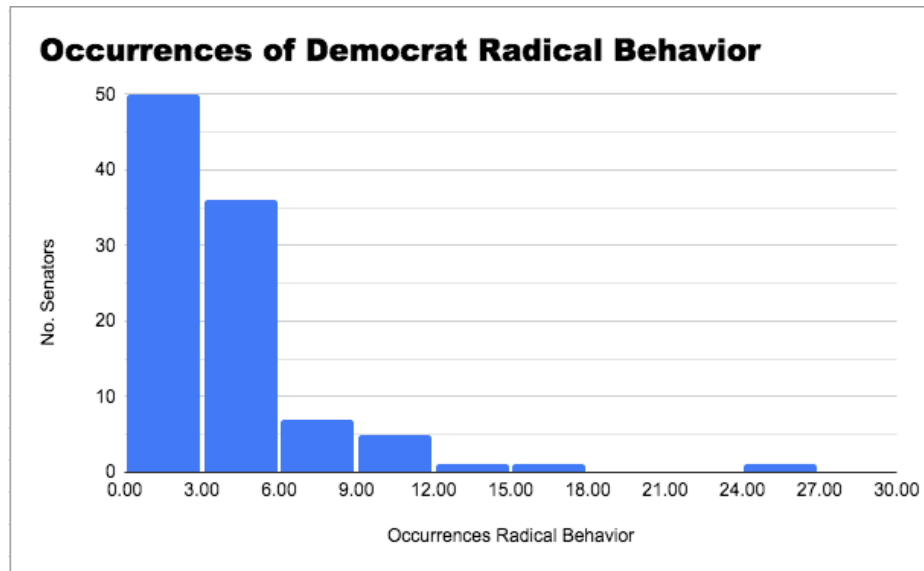


Figure 3.2

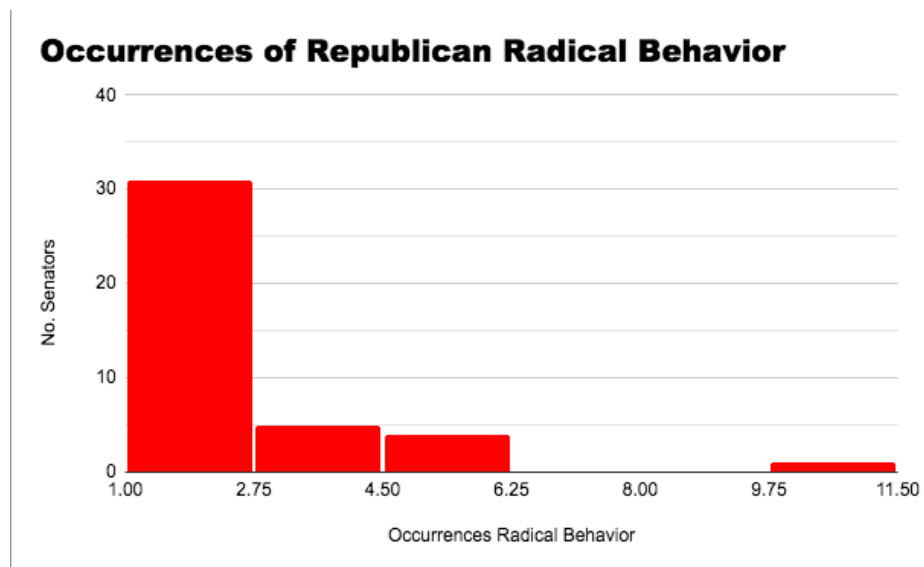


Figure 3.3



Unsurprisingly, the list of instigators from either party was much smaller. There was a fair amount of overlap between top radicals and top instigators for each party. For Democrats, top instigators included Dianne Feinstein (13), Patrick Leahy (9), Amy Klobuchar (D-MN; 9), Joe Biden (D-DE; 7), and Christopher Coons (D-DE; 5). For Republicans, the top instigators included Arlen Specter (R-PA; 6), John Chafee (R-RI; 4), and Chuck Grassley (R-IA; 4). All the remaining Republican radicals instigated two or fewer times. From there I gathered information on the number of years each instigator spent in the Senate before their first instigation (Year Elected - Year Instigation), and what percentage of their total radical behavior was instigations (# instigation occurrences / # radical occurrences). The results for both parties are described in chart ## below [Table 3.1].

*Table 3.1 Democratic and Republican Instigators*

Senator	Party-State	Years Experience	No. Instigations	Pct. Instigations
Dianne Feinstein	D-CA	5	13	52.0%
Patrick Leahy	D-VT	25	9	52.9%
Amy Klobuchar	D-MN	9	9	90.0%
Joe Biden	D-DE	17	7	70.0%
Arlen Specter	R-PA	17	6	54.5%
Christopher Coons	D-DE	7	5	55.6%
Sheldon Whitehouse	D-RI	7	5	55.6%
John Chafee	R-PA	13	4	80.0%
Chuck Grassley	R-IA	27	4	80.0%

Firstly, the column denoting instigator events as a proportion of total radical behavior occurrences may elucidate the thresholds for participation of each senator. Senators who have an extremely high percentage of instigations, like Amy Klobuchar, may have the lowest thresholds because they most frequently participate in bills with an extremely low number of members from their own party. On the other hand, senators like Dianne Feinstein who frequently serve as

instigators but in a low proportion compared to overall radical behavior may have a moderately higher threshold. Some senators were frequent radicals, but not instigators. This was the case for Richard Blumenthal, who had the third highest occurrences of radical behavior, but was only an instigator 4 times. Similarly, Susan Collins had the third highest occurrences of radical behavior on the Republican side, but only 2 occasions of instigator behavior. Senators like Blumenthal and Collins may therefore have a threshold for participation that is high enough to impede frequent instigator behavior.

In terms of states, my predictions were not reflected in the data. In this discussion, it is helpful to incorporate the Cook Political Report's Partisan Variable Index (PVI), which measures "how much more Democratic or Republican a state performs compared to the national average."<sup>17</sup> Three instigators represented solidly Democratic states—Vermont (PVI: D+15), California (PVI: D+12), and Rhode Island (PVI: D+10)—and another two Senators represented Delaware, with a PVI of D+6. By comparison, four instigators represented swing states: Pennsylvania (PVI: EVEN), Minnesota (PVI: D+1), and Iowa (PVI: R+3). No instigators represented solidly Republican states. Therefore, there was a fair amount in variation among the partisan leanings of each state. Two further things are of note among the states represented by the instigators. First, all the Republican instigators represented swing states (PA, and IA), while just one Democratic instigator represented a swing state (MN). Secondly, 3 out of 4 of the instigators from swing states had the highest percentages of instigator events as a proportion of radical behavior occurrences. This may suggest that representing a swing state may in fact be associated with a lower threshold, if the senator is already inclined towards radical behavior.

There was also a wide variety of years of experience at first instigation in the time period of this study. Some Senators, like Patrick Leahy and Chuck Grassley, rank in the top ten of

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<sup>17</sup> <https://cookpolitical.com/state-pvis>

longest serving senators ever.<sup>18</sup> Newer faces to the Senate like Christopher Coons and Sheldon Whitehouse also ranked highly among top instigators, however. With a two decade range of years of experience, the data points to the fact that the decision to be an instigator or a radical may be a personal choice irrespective of number of years in the Senate.

## **VI. Subcategories in Radical Participation**

Because radical behavior consists of being one of the first members of a party to cross the aisle and cosponsor on a bill, one might expect that the main subcategories for Republican radicals rely on Democratic foundations, and vice versa. This was only somewhat true. Radical behavior among Democrats occurred in all 18 different subcategories, with the highest number of events occurring in law enforcement/policing (11), and juveniles/children (10). Five radical behaviors occurred in each criminal justice reform, GBV/IPV, drugs/gangs, and cyber law. Radical behavior among Republicans was more concentrated across 13 subcategories; top subcategories included law enforcement/policing (19), criminal justice reform (15), and GBV/IPV (12). Because law enforcement/policing accounted for the top subcategory for both parties, there may be something about the subcategory that encourages deviant behavior from both parties' radicals, despite its apparent relationship with the authority/institutions foundation [Figure 3.3].

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<sup>18</sup> [https://www.senate.gov/senators/longest\\_serving\\_senators.htm](https://www.senate.gov/senators/longest_serving_senators.htm)

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## Radical Participation: Subcategories

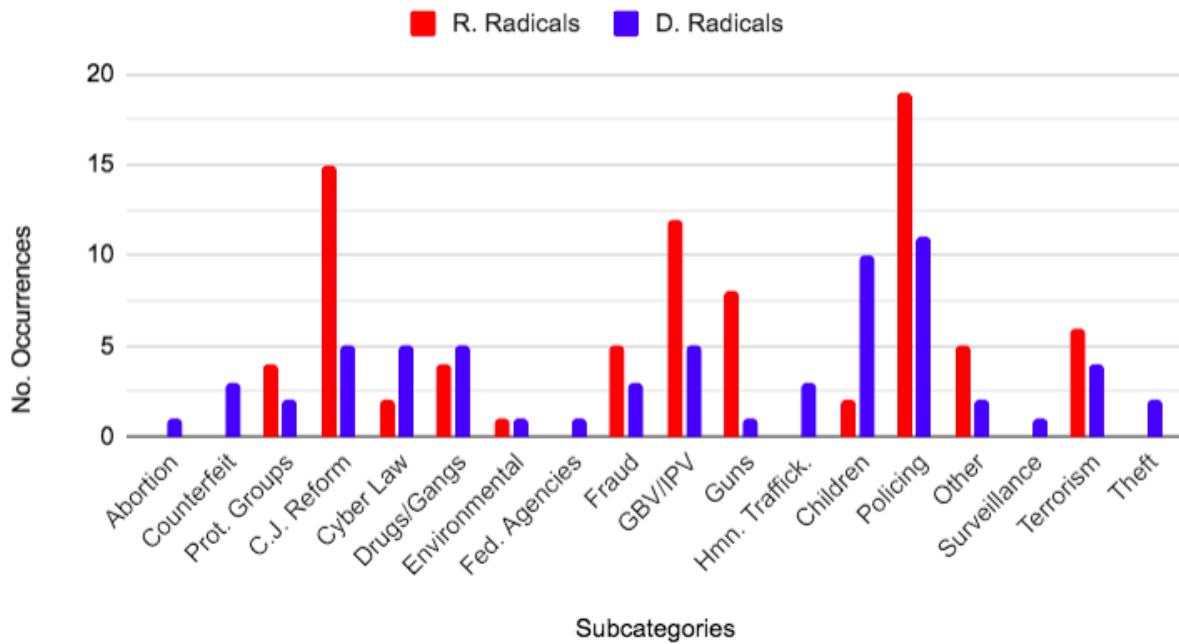


Figure 3.3

Some instigators focused largely on one subcategory, while others participated more broadly across subcategories. On the Democratic side, Joe Biden and Dianne Feinstein provide examples of the latter; Biden participated in 6 different subcategories, and Feinstein participated in 12 different subcategories. Other Democrats seemed to specialize in subcategories. For both Amy Klobuchar (D-MN) and Sheldon Whitehouse (D-RI), 50% of all radical bills they participated on consisted of juveniles/children bills. Similarly, 44.4% of Chris Coons' radical bills focused on human trafficking. Democratic instigators overall seemed particularly interested in subcategories closely related to the harm/care foundation: 48% of all bills with radical Democratic participation related to harm/care subcategories. The extent to which this was true varied for each radical. 90% of Amy Klobuchar's radical bills related to harm/care, while only

17.6% of Patrick Leahy's bills did. Leahy instead focused on law enforcement/policing, which accounted for 41.2% of all his radical participation.

Republican instigators seemed to specialize in one or two subcategories. 66.7% of John Chafee's radical bills related to guns/weapons, and 60% of Chuck Grassley's radical bills related to drugs/gangs. Arlen Specter focused primarily on criminal justice reform and law enforcement/policing bills, which accounted for 63.6% of all his radical bills. These two subcategories align closely with the authority/institutions subcategory typically valued by Republicans. Perhaps due to the smaller number of Republican instigators, there was less consistency across the interests of the instigators.

One theory is that senators will engage in radical behavior if the party sponsoring the bill has a comparative success rate in passing legislation in that subcategory. However, recall from the previous chapter that Democrats hold a comparative success rate only for federal agencies, theft, other, and drugs/gangs bills. If Republicans sought to increase their chances of having their names tied to successful legislation by joining on Democrat-majority bills despite lack of overall support from their parties, they would therefore only join on bills in those subcategories. Republicans had 0 occasions of radical behavior on federal agencies and theft bills, 5 for other category bills, and 4 for drugs/gangs bills. Instead, Republican radicals joined most frequently on GBV/IPV bills, where Republicans hold their second highest comparative advantage in passing bills (-.36); policing bills, where Republicans hold their third highest comparative advantage (-.28); and criminal justice reform, where Republicans also hold a slight comparative advantage (-.12).

From the opposite side, Democratic radicals' decision to join Republican-majority bills seems logical for the opposite reason. Democrats hold a lower comparative advantage in passing

law enforcement/policing and GBV/IPV bills, so by joining a bill in these area sponsored by Republicans, Democratic radicals may have a greater chance to be a part of a successful bill. However, Democratic radicals also participate across subcategories with only slight Republican comparative advantages (juveniles/children, criminal justice reform, and cyberlaw), as well as in drugs/gangs, for which *Democrats* have a slight comparative advantage.

One element that may be contributing to the overlap in subcategories across radicals from both parties is the relationships between radicals. Because senators often work together for many years, senators may form relationships with members of the opposite party that might encourage them to cross the aisle to collaborate. There were 80 repeat relationships between Democratic cosponsors and Republican cosponsors that collaborated at least twice. The most prolific cosponsor-sponsor pair was Dianne Feinstein and Orrin Hatch (R-OH), who collaborated 25 times, followed by Richard Blumenthal and Rob Portman (13), Patrick Leahy and Chuck Grassley (12), and Amy Klobuchar and Orrin Hatch (10). Moreover, Orrin Hatch accounted for 50% of all sponsors in the most prolific Democratic cosponsor-Republican sponsor pairs. There were only 12 repeat relationships between Republican radicals and Democratic sponsors that collaborated at least twice. The most common pair was John Chaffee and Howard Metzenbaum, who collaborated 3 times, then 10 pairs who collaborated twice.

The difference between these two results emphasizes two different strategies for radicals. Republican radicals seem to focus on a smaller number of subcategories of interest, rather than on relationships with Democratic sponsors that may draw them towards a bill. Democratic radicals seem to be drawn to bills based on relationships with Republican sponsors, rather than on a narrow focus of subcategories. Of course, relationships between radicals of the same party may draw senators toward supporting bills as well. Dianne Feinstein (D-CA) proved an

influential instigator among Democrats, as she collaborated 6 times with Patrick Leahy (D-VT) and 6 times with Amy Klobuchar (D-MN). This was the case to a lesser extent for Republican instigators: Arlen Specter (R-PA) collaborated with John Chaffee 3 times, and Chuck Grassley (R-IA) twice.

#### **IV. Methodology: Network Analysis**

I conducted four network analyses, one for session 106, 108, 111, and 114. Network analyses demonstrate connections (called “edges”) between individuals (called “nodes”). In this case, nodes represent senators, and edges represent relationships through cosponsorship. There are a few common measures used in network analyses. Density refers to the entirety of the network; it measures the number of connections that exist, as compared to the total possible connections that could exist. A density of 1 would indicate that all possible connections are enacted in the network. Centrality helps identify the most important actor in a network. One measure of centrality is betweenness, which measures the number of times in which a node falls on the shortest path between two nodes. Closeness measures the extent to which one node is near other nodes, and therefore how quickly influence can spread from one node to another.

In order to analyze the role of radicals in these networks, I looked at the top 10 most frequent radicals from each party. I coded for participation in bill sponsorship and cosponsorship on a binary scale, only for those senators who were in office at the time of each session in order to obtain the statistics on frequency of radical participation.

#### **VII. Analyzing Networks in the Senate**

On a broader scale, analyzing radicals and instigators is significant because it allows us to determine the individuals with the lowest thresholds for participation. These senators can serve

as crucial bridges between party networks and may therefore facilitate bipartisan collaboration. One way to examine the impact of radicals and instigators is to focus on the most successful sessions and the relationships that seem to facilitate that success. As mentioned in Chapter I, the most successful sessions were the 106th, with a success rate of 45.8% and 11 crime/law bills passed into law; the 108th, with a 47.6% success rate and 10 bills passed; the 111th, with a 36.7% success rate and 11 bills passed; and the 114th with a 34.4% success rate and 11 bills passed.

For the 108th session—the most successful session overall—radicals sponsored 75% of all passed bills, with just two of the passed bills not sponsored by radicals. Orrin Hatch was particularly prolific this session: Hatch sponsored 4 separate successful crime and law bills, 3 of which focused on juveniles/children. Republicans sponsored all but two of the successful bills this session; top radicals Joe Biden and Dianne Feinstein sponsored the two successful Democratic bills. All of the top radicals participated in cosponsor roles in the 108th session, with the exception of John Chafee and Olympia Snowe. Three successful bills this session focused on juveniles/children, and another two bills focused on law enforcement/policing.

In the 111th session, radicals sponsored 72.7% of all successful bills. Dick Durbin, Dianne Feinstein, and Patrick Leahy successfully sponsored 2 bills each. All of the top radicals besides Lisa Murkowski and John Chafee participated in cosponsorship, though Murkowski was among the successful sponsors. Murkowski's bill was also the only successful Republican-sponsored crime and law bill to pass this session. Senators seemed to focus on drugs/gangs bills this session, with 4 separate successful bills focused on the issue. Another two successful bills focused on law enforcement/policing.



Radicals accounted for a slim majority of sponsors in the 114th session at 54.5% of all sponsors. Republicans successfully sponsored 7 bills, and Democrats successfully sponsored 4 bills. John Cornyn, who does not rank among the top Republican radicals, sponsored 4 separate successful bills. All radicals cosponsored this session, except for John Chafee and Arlen Specter. Three separate bills focused on each drugs/gangs and law enforcement/policing, and another 2 bills focused on terrorism.

The 106th session was notably different from the other three: radicals accounted for just 30% of all sponsors, though top radical Patrick Leahy did successfully sponsor two separate bills. Republicans sponsored all but three successful bills. All radicals except for John Chafee and Gordon Smith participated in cosponsorship roles. A main focus of this session was around law enforcement/policing bills, which accounted for 4 separate successful bills. Another 2 bills focused on criminal justice reform.

The network analyses for each session can be found on pages 15-18 [Figure 3.4, Figure 3.5, Figure 3.6, Figure 3.7]. Beginning in chronological order, there are a few things to note about the 106th network. First of all, the 106th session was the densest of all four sessions (.07), meaning that the 106th network had the highest proportion of possible links between members enacted. Secondly, despite the fact that Orin Hatch served as judiciary chairman, Patrick Leahy remained more central to the network. Leahy collaborated extensively across the aisle and partnered with 7 Republicans, and 4 Democrats. Third, perhaps not unsurprisingly given the low percentage of instigators represented in sponsorship roles, other instigators were largely on the outskirts of this network. Arlen Specter was particularly isolated and collaborated with just John Ashcroft (R-MO). Chuck Grassley also only collaborated with Spencer Abraham (R-MI) and Jon Kyl (R-AZ). Democratic instigators were also limited in their collaboration, though Democrats

collaborated more across the aisle. Joe Biden collaborated with Christopher Dodd (D-CT) and Patrick Leahy, as well as Republican Jon Ashcroft. Dianne Feinstein *exclusively* collaborated with Republicans, including Susan Collins, Lincoln Chafee (R-RI), Spencer Abraham, and Jon Kyl. Particularly notable in this session is the fact that just 3 successful bills had perfectly bipartisan CPD, and all of these bills were sponsored by instigators (2 by Patrick Leahy, and 1 by Dianne Feinstein).

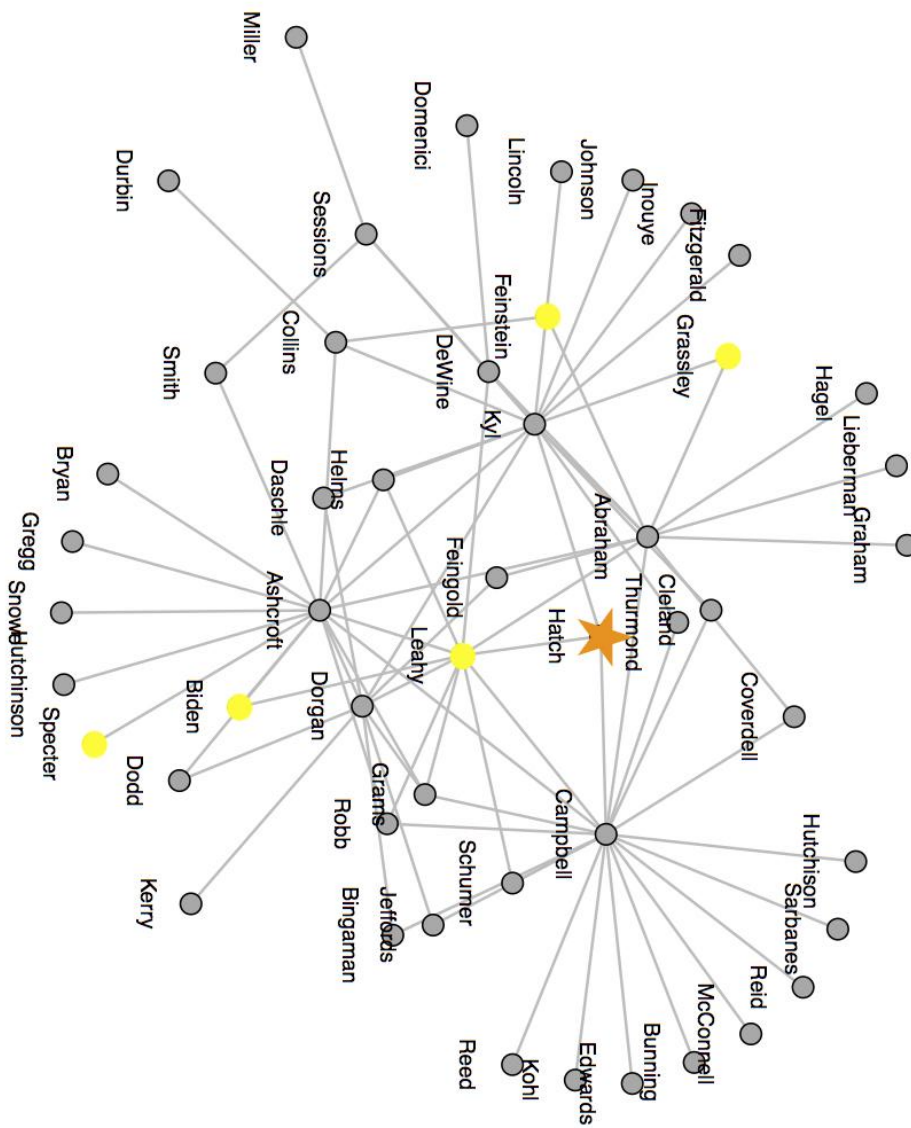
The 108th network differs significantly from the 106th. The 108th session was the most successful session, but it had the lowest density of all the four top sessions (density=.05). In this network, Judiciary Committee Chair Orin Hatch was able to successfully draw in members from both parties. Hatch was most central to the network (closeness=.87) and was also in the most significant broker position (betweenness=1,263). Instigator participation was noticeably split in this network. Dianne Feinstein and Joe Biden played important broker roles, respectively accounting for the 2nd and 3rd highest degree of betweenness. This reflects Feinstein and Biden's ability to serve as bridges to draw in otherwise distant members in the network: Feinstein drew in 3 Republicans and 1 Democrat; Biden drew in 2 Republicans and 1 Democrat. From there, Chuck Grassley played an important mediating role by collaborating with both Feinstein, Biden, and Hatch. Grassley was the 6th highest broker in the network. In contrast, Patrick Leahy and Arlen Specter were more inactive in the network. Each only collaborated with Hatch and neither served as a broker. The prolific success of the 108th session may also relate to sponsors' ability to draw in bipartisan cosponsors: 60% of all successful bills had perfectly bipartisan CPD.

In the 111th session, instigators played a central role. As Chair of the Judiciary Committee, Patrick Leahy collaborated with the highest number of members (32) and served as

the most frequent broker (betweenness=655). Among other connections, Leahy drew in 7 otherwise non-participating Democrats and 1 frequent Republican radical, Olympia Snowe. Dianne Feinstein played a similar role: with 25 connections, Feinstein had the second highest degree of betweenness (641.7). Feinstein served as a bridge for 7 Democrats and 4 Republicans. With the exception of Arlen Specter, all instigators ranked in the top ten brokers of the network. Amy Klobuchar was particularly active, with 15 connections and a betweenness of 176.3. Similarly to his participation in the 108th session, Specter never served as a broker in the network and only collaborated with 3 senators.

Despite Chuck Grassley's role as Judiciary Committee Chair in the 114th session, Orrin Hatch again played the most significant role in facilitating the 114th network. Hatch collaborated with 69 different senators and played a crucial facilitating role (betweenness=1,889.2). Hatch also had the highest closeness score at .80. In contrast, Grassley collaborated with just 6 senators and served a far smaller broker role (betweenness=.60). Other instigators, however, played more central roles. Such was the case for Sheldon Whitehouse and Patrick Leahy, who respectively had the third and fourth highest number of connections, and the third and fourth highest betweenness and closeness score.

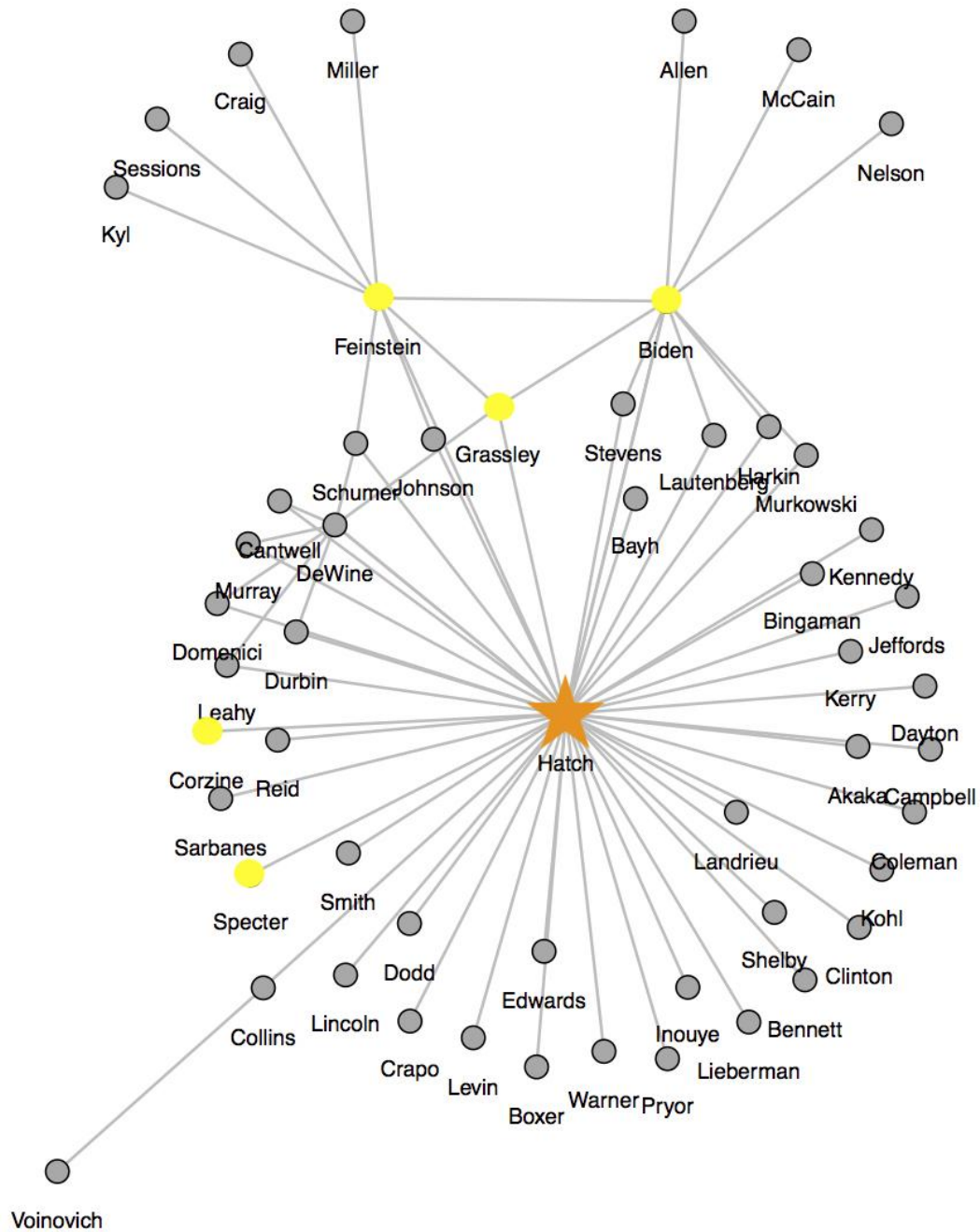
## 106th Session (1999-2000): Collaboration Network on Successful Bills



\* Yellow dots indicate top instigators

\*\* Stars indicate the Judiciary Committee chair

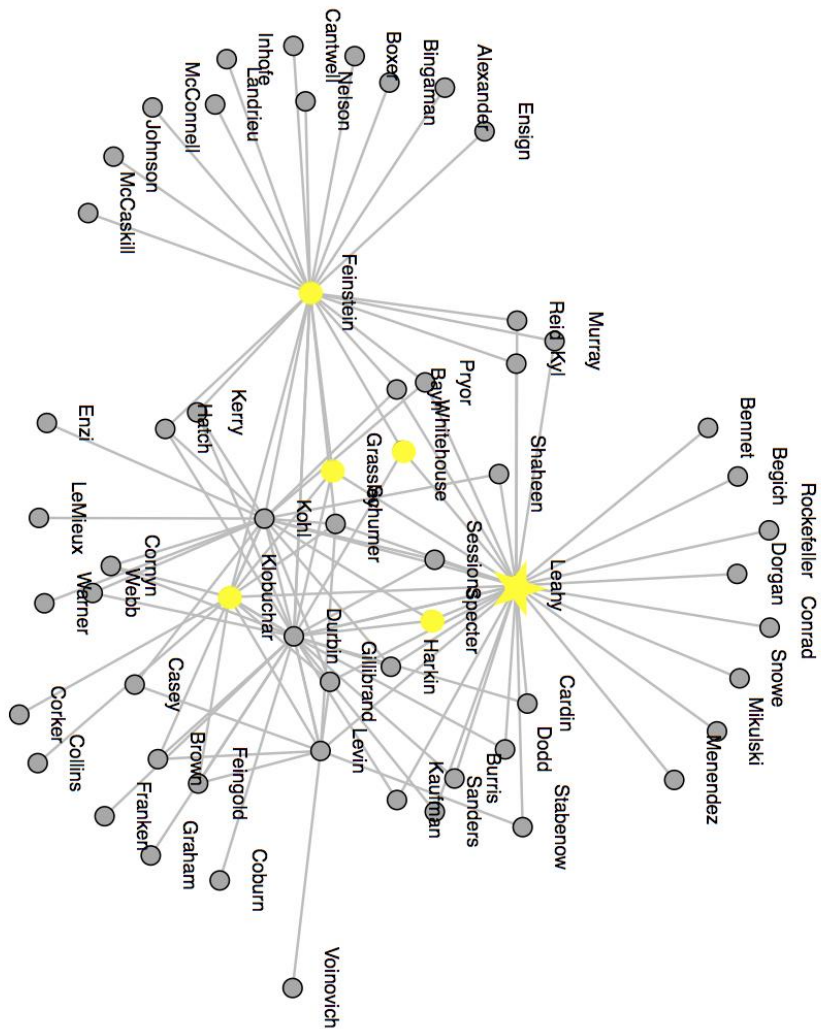
## 108th Session (2003-2004): Collaboration Network on Successful Bills



\* Yellow dots indicate top instigators

\*\* Stars indicate the Judiciary Committee chair

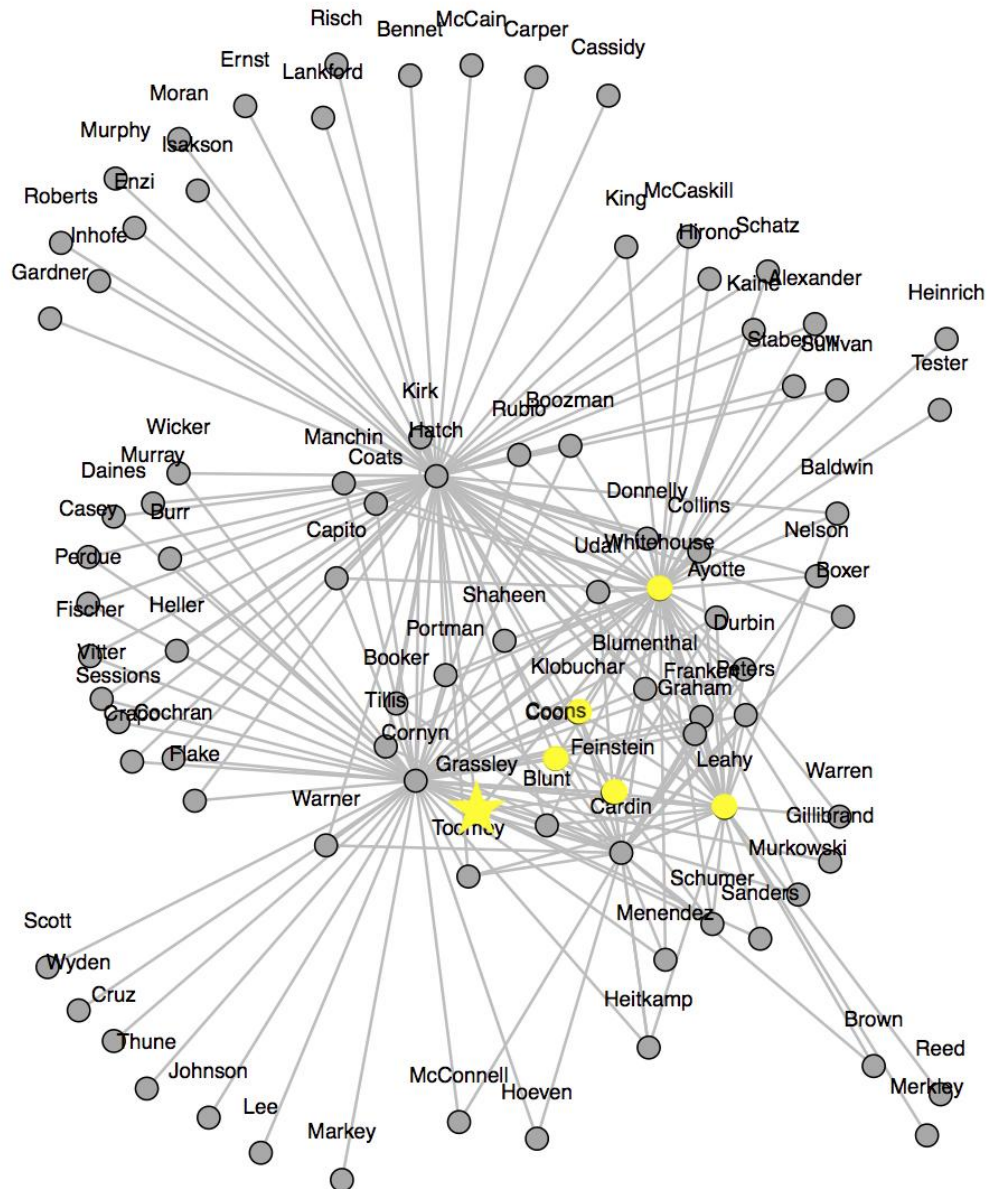
## 111th Session (2009-2010): Collaboration Network on Successful Bills



\* Yellow dots indicate top instigators

\*\* Stars indicate the Judiciary Committee chair

## 114th Session (2015-2016): Collaboration Network on Successful Bills



## **VIII. Discussion**

Radical and instigator behavior was more common for Democrats than Republicans. This may relate back to Chapter I's finding that Democrats demonstrated a higher degree of enthusiasm for crime and law legislation and accounted for a larger proportion of cosponsors overall. Each party had a wide variety of situations in which radical behavior occurred, which may point to different motivations for instigator behavior. John Chafee's instigator behavior, for example, focused most frequently on gun control measures, which are largely unpopular within the Republican party. John Chafee, for example, focused most of his radical participation on gun control bills, which are largely unpopular within the Republican party. Chafee therefore had to collaborate with Democrats. Others may cross the aisle due to steadfast belief in the issue area or moral foundation. Failing to join a bill concerning the issue may create a cognitive dissonance uncomfortable enough that members would be willing to collaborate with the opposite party in order to avoid dissonance. This could explain why Republican instigator behavior was mainly centered on the binding foundations.

Some senators were not instigators but did play crucial roles in the networks. Orrin Hatch was especially prolific in drawing in cosponsors from the opposite party and played a crucial role in the 106th, 108th, and 114th networks. Carl Levin (D-MI) and top Republican radical Susan Collins served as bridges to draw in a distant network player, George Voinovich, in the 111th and 108th sessions, respectively. Top radical Dick Durbin had the highest closeness score (.63), the second highest number of collaborations (28), and the third highest betweenness score (523.4) in the 111th session.



There was also an interesting interaction between the role of Judiciary Committee Chair and network centrality. One of the factors possibly contributing to Hatch's centrality despite his lack of instigations is Hatch's role as chair in the 106th and 108th sessions. Similarly, as chair in the 111th session, Leahy was the most influential player of the 111th network. However, Grassley served as chair in the 114th session, yet was a much less significant player than Hatch in the 114th network. This may again underscore the value of senator-level issue ownership and may suggest that Hatch has a high degree of issue ownership granted to him by his peers. The fact that the Judiciary Committee Chair was not always the most central actor in the network may also represent a challenges to the institutionalist perspective.

The network analyses emphasized the importance of relationships in establishing bipartisan action. The frequency with which Dianne Feinstein and Orin Hatch collaborated may provide support for the idea that positive externalities result from collective action (Marwell & Oliver (1993). There was a high degree of radical participation among sponsors and cosponsors in successful bills from these sessions: nearly every radical played a cosponsor role in each session, and radicals sponsored legislation at least 54% of the time for every session but the 106th. This may provide support for the flow of influence among radicals. Some radicals, like Joe Biden and Dianne Feinstein, frequently served as important bridges to draw in members of the opposite party, or distant Democrats in the network. Overall, radicals served as crucial connectors and conduits for influence to flow, and therefore helped facilitate bipartisan collaboration.

# Conclusions

## I. Discussion

This thesis opened with a mention of the First Step Act of 2018. Given everything this thesis has discussed, a little more nuance can be given to this discussion. Dan Sullivan (R-AK) sponsored The First Step Act. Sullivan was able to achieve a CPD leaning slightly Democratic (.18). This may be due to elements included in the bill which balance the interests of both liberal and conservative moral foundations. One example of this is elements which seek to reduce harm, like a provision prohibiting solitary confinement for juveniles, and a provision prohibiting the use of restraints on pregnant women in federal prisons. The bill also contained a provision prohibiting discrimination against a “program, treatment, regimen, group, company, charity, person, or entity based on the fact that it may be or is faith-based,” which likely appeals to conservatives’ purity/sanctity foundations. Top instigators participated on the bill, including Sheldon Whitehouse (D-RI) and Christopher Coons (D-DE), who both served as original sponsors. A number of frequent radicals also participated, including Susan Collins (R-ME) and Lisa Murkowski (R-AK).

The First Step Act provides a good example of the complicated picture of the relationship between issue ownership, moral foundations theory, and social contagion theory in crime and law legislation. Sponsored by a Republican, the bill is an example of the comparative success Republicans have in passing Republican-sponsored crime and law bills. With more Democratic cosponsors than Republican cosponsors, the bill demonstrates the enthusiasm Democrats often express for participation in crime and law bills, regardless of the party of the sponsor. The subject matter of the bill focuses on criminal justice reform, a subcategory typically associated with the authority/institutions foundation favored by Republicans. One of the reasons the bill was

able to draw support from both parties may be due in part to a number of provisions seeking to reduce harm and advance justice, which appeals to liberal foundations. The early participation of Whitehouse and Coons as original cosponsors underscores instigators' low thresholds; the participation of other radicals like Collins, who signed on about two months after the bill's introduction, points to the slightly higher thresholds of radicals. A network analysis of the 115th session might reveal repeat relationships between Whitehouse, Coons, and Collins, and how they may influence each other in a way that facilitated the bipartisan collaboration needed to ultimately pass the First Step Act into law.

Overall, I found some notable signs pointing towards the importance of seeking out a bipartisan balance of cosponsors. Passed bills had less than half the CPD of average bills, and the most successful sessions had roughly half the CPD of average sessions. Part of what may be driving the degree of bipartisanship among cosponsors in crime and law legislation may be the fact that issue ownership seems largely unsettled. Therefore, it is unclear how generalizable these results are to other issue areas. This may be especially so for those issue areas which are already to ascribed to each party, such as national security and environmental protection. Here there may be less crossover in cosponsorship, with higher CPD margins on either side. While Democrats were more active participants across sponsorship and cosponsorship, Republicans had a comparative success in passing crime and law bills. Due to patterns such as the tendency for highly partisan Democratic bills to be killed earlier in the bill lifecycle than highly partisan Republican bills, there may also be a perceived issue ownership granted to Republicans within the Senate that drives senators' voting behavior on these bills.

In terms of which subcategories each party focused on, Democrats sponsored a greater proportion of all bills but one, but Republicans had a greater comparative advantage in passing

all subcategories but four. The majority of both parties' most successful subcategories related to the authority/institutions foundation. A perceived issue ownership for Republicans may be one of the factors driving Democrats to sponsor and successfully pass bills which appear to fall within conservative foundations. Alternatively, framing by Democrats to raise the salience of harm/care within bills with punitive measures—such as highlighting the damage drugs or gangs can do—may explain Democrats' success in passing authority/institutions bills. In addition to interest in authority/foundation bills, more than expected Republican bills related to the harm/care foundation. This may be an attempt to draw in Democrats to cosponsorship roles, or may be indicative of senator-level issue ownership, which was demonstrated within both parties.

Based on the variation within a party and the potential influence of individual senators as issue owners, I operationalized those senators most willing to take bipartisan risks (joining a bill's cosponsors, even when they were one of the only members of their party to do so). There were many more Democratic radicals and instigators than Republican. This likely relates to the degree of Democratic enthusiasm for the issue of crime and law demonstrated in earlier chapters. Both parties seemed to follow different strategies for radical behavior. Democrats participated widely across all subcategories and may have been more influenced by pre-existing relationships with Republican sponsors than by bill content. Republicans largely participated in radical behavior in two situations: when the bill related to the authority/institutions foundation and not participating on it would likely result in cognitive dissonance; and when the issue area was unlikely to be sponsored by Republicans, such as gun control bills. The networks also underscored the importance of senators who served as bridges connecting otherwise distant actors to the network. These were often radicals; Joe Biden (D-DE) and Dianne Feinstein

(D-CA) were particularly active. Other senators who were not frequent radicals were also influential actors, like Orin Hatch (R-OH).

There are a few limitations of this study worth noting. First, the time period is limited to 1990-2018; there may therefore be limitations to the study's generalizability. A study focused on the Senate in the 1960s when crime levels were high might have found entirely different patterns. Second, while certain patterns—such as those regarding CPD and bill success—seem compelling, I cannot be certain of the causal mechanisms behind these phenomena. Because of this, one natural extension of this research could be to delve deeper into causal mechanisms in order to untangle the relationship between bipartisanship and bill success. A broader time scope could also provide important nuance to patterns in partisan issue ownership over subcategories. I also relied mainly on early work in moral foundations theory which used a binary scale of liberal/conservative for the foundations of relevance to each party. As mentioned previously, there was some evidence to suggest that variation among party members could lend well to the four group moral foundations scale, which specifies between secular liberals, religious liberals, libertarians, and social conservatives (Haidt et al., 2009).

## **II. Conclusion**

Crime and law is a broad category that contains areas of salience across the political spectrum. Legislation in this area has remained popular for lawmakers for decades. It is yet to be seen how public pressure for criminal justice and policing reform after the summer of 2020 will play out on the Senate floor. Will liberal desire to reduce harm and seek social justice motivate Democrats to pass a party-line bill focused on police reform? Or will President Biden, himself

with a demonstrated history of bipartisanship in crime and law, push for a bipartisan bill in this area?

The findings of this thesis added to the existing literature by synthesizing theories of issue ownership, moral foundations theory, and social contagion. Ultimately, the main factors which influence bipartisanship are a combination of these three: perceived issue ownership given to Republicans, the success of the authority/institutions foundation and the interest in the harm/care foundation across both parties, and the importance of radical and instigator senators in drawing distant senators into successful networks.

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## **Appendix A: Dates of Sessions of Congress**

<b>Session</b>	<b>First Session</b>
101	1989-1990
102	1991-1992
103	1993-1994
104	1995-1996
105	1997-1998
106	1999-2000
107	2001-2002
108	2003-2004
109	2005-2006
110	2007-2008
111	2009-2010
112	2011-2012
113	2013-2014
114	2015-2016
115	2017-2018

## Appendix B: Variables

### Cosponsor Partisan Difference (CPD):

A bill-level variable which takes the proportion of each party represented among the bill's cosponsors.

$$\text{Cosponsor Partisan Difference (CPD)} = \text{Total Proportion Dem. Cosponsors} - \text{Total Proportion Repub. Cosponsors}$$

CPD Score	Title	Breakdown
0	Absolute Bipartisanship	50% of cosponsors are Democrats, and 50% of cosponsors are Republicans
+1	Absolute Democratic Partisanship	100% of cosponsors are Democrats
-1	Absolute Republican Partisanship	100% of cosponsors are Republicans

### Average Cosponsor Partisan Difference (ACPD):

A session-level variable which takes the average of CPD scores across multiple bills.

### Total Cosponsor Partisan Difference (TCPD):

A session-level variable which uses the total number of cosponsors from each party in order to calculate proportions of each party represented among cosponsors.

### Sponsorship Partisan Difference (SPD):

A session-level variable which takes the proportion of bills sponsored by each party.

$$\text{Sponsorship Partisan Difference (SPD)} = \text{Proportion Dem. Sponsored Bills} - \text{Proportion Repub. Sponsored Bills}$$

SPD Score	Title	Breakdown
0	Absolute Bipartisanship	<i>50% of bills are sponsored by Democrats, and 50% of bills are sponsored by Republicans</i>
+1	Absolute Democratic Partisanship	<i>100% of bills are sponsored by Democrats</i>
-1	Absolute Republican Partisanship	<i>100% of bills are sponsored by Republicans</i>

### **Average Sponsorship Partisan Difference (ASPD):**

A comparative variable which takes the average SPD score across multiple sessions.

### **Senate Partisan Composition Difference:**

A session-level variable which takes the percentage of Senate seats held by Democrats subtracted by the percentage of Senate seats held by Republicans. In some graphs, abbreviated as “Dem. Share of Senate” or “Repub. Share of Senate.”

### **Comparative Partisan Success (CPS):**

Takes the percentage of bills passed by Democrats subtracted by the percentage of bills passed by Republicans.